



Iowa General Assembly
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House File 110

H-1001

- 1 Amend House File 110 as follows:
- 2 1. By striking page 3, line 34, through page 4,
- 3 line 17.
- 4 2. Title page, line 1, by striking <relating to
- 5 taxation by>
- 6 3. Title page, by striking lines 5 through 6
- 7 and inserting <credit of individual income tax, and
- 8 including effective date and>
- 9 4. By renumbering as necessary.

LONDON of Polk



Iowa General Assembly
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House File 113 - Introduced

HOUSE FILE 113

BY DOLECHECK, FORRISTALL,
LANDON, SALMON, WATTS,
GARRETT, SHEETS, S. OLSON,
SCHULTZ, KLEIN, COSTELLO,
JORGENSEN, and BYRNES

A BILL FOR

1 An Act relating to independent accreditation of nonpublic
2 schools.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1824YH (4) 85
kh/rj



Iowa General Assembly
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H.F. 113

1 Section 1. Section 256.11, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 16. *a.* Notwithstanding subsections 1
4 through 12, a nonpublic school may be accredited by an approved
5 independent accrediting agency as provided in this subsection
6 instead of by the state board. The department shall maintain a
7 list of approved independent accrediting agencies comprised of
8 at least six regional or national nonprofit, nongovernmental
9 agencies recognized in the education community as reliable
10 authorities concerning the quality of education offered by a
11 school and shall publish the list of independent accrediting
12 agencies on the department's internet site. The list shall
13 include but not be limited to the north central association
14 commission on accreditation and school improvement, the
15 independent schools association of the central states, the
16 association of christian schools international, christian
17 schools international, the evangelical lutheran education
18 association of the evangelical lutheran church in America, and
19 the national accreditation commission of the lutheran church
20 — Missouri synod.

21 *b.* A nonpublic school that participates in the accreditation
22 process offered by an independent accrediting agency on
23 the approved list published pursuant to paragraph "a" shall
24 be deemed to meet the education standards of this section.
25 However, such a school shall comply with statutory health and
26 safety requirements for school facilities.

27 *c.* If the department takes preliminary action to remove an
28 independent accrediting agency from the approved list published
29 on its internet site pursuant to paragraph "a", the department
30 shall, at least one year prior to removing the agency from
31 the approved list, notify a nonpublic school participating
32 in the accreditation process offered by the agency of the
33 department's intent to remove the agency from its approved list
34 of independent accrediting agencies. The notice shall also be
35 posted on the department's internet site and shall contain the

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kh/rj

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H.F. 113

1 proposed date of removal. The nonpublic school that received
2 notification shall attain accreditation under this subsection
3 or subsections 1 through 12 not later than one year following
4 the date on which the department removes the agency from its
5 list of independent accrediting agencies.

6 d. If the department takes preliminary action to remove an
7 independent accrediting agency that is specified in paragraph
8 "a" from the approved list published pursuant to paragraph
9 "a", the department shall submit to the general assembly the
10 department's findings and recommendations for statutory change
11 to effect removal of the agency from the approved list.

12 EXPLANATION

13 This bill establishes an alternative to the accreditation
14 of nonpublic schools by the state board of education by
15 requiring the department of education to maintain a list of
16 approved independent accrediting agencies comprised of at
17 least six regional or national nonprofit, nongovernmental
18 agencies recognized in the education community as reliable
19 authorities concerning the quality of education offered by a
20 school, and to publish the list of independent accrediting
21 agencies on the department's internet site. A nonpublic school
22 that participates in the accreditation process offered by an
23 independent accrediting agency on the list published by the
24 department shall be deemed to meet the education standards of
25 Code section 256.11. However, such a school shall comply with
26 statutory health and safety requirements for school facilities.

27 The list shall include the north central association
28 commission on accreditation and school improvement, the
29 independent schools association of the central states, the
30 association of christian schools international, christian
31 schools international, the evangelical lutheran education
32 association of the evangelical lutheran church in America, and
33 the national accreditation commission of the lutheran church
34 — Missouri synod.

35 If the department takes preliminary action to remove an

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1 agency from its list of approved independent accrediting
2 agencies, the department shall notify a nonpublic school
3 accredited through the alternative process of the state board's
4 intent to remove the independent accrediting agency from its
5 approved list at least one year prior to removing the agency
6 from the approved list, and the nonpublic school shall attain
7 accreditation not later than one year following the date on
8 which the state board removes the agency from its approved list
9 of independent accrediting agencies.

10 If the department takes preliminary action to remove
11 an agency specified in the bill from the approved list,
12 the department shall submit to the general assembly the
13 department's findings and recommendations for statutory change
14 to effect removal of the agency from the approved list.



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House File 114 - Introduced

HOUSE FILE 114

BY MASCHER, STUTSMAN,
T. TAYLOR, KRESSIG,
HEDDENS, WOLFE, STAED,
KEARNS, BEARINGER,
RUFF, BERRY, ANDERSON,
KAJTAZOVIC, LUNDBY,
WESSEL-KROESCHELL,
WINCKLER, LYKAM, COHOON,
M. SMITH, ABDUL-SAMAD,
R. OLSON, GAINES, HANSON,
JACOBY, LENSING, KELLEY,
MURPHY, FORBES, OLDSON,
DUNKEL, WOOD, RIDING,
HUNTER, THOMAS, STECKMAN,
and HALL

A BILL FOR

1 An Act relating to reimbursement for services provided under a
2 medical assistance home and community-based services waiver
3 for the elderly.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1823HH (2) 85
pf/rj



Iowa General Assembly
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February 04, 2013

H.F. 114

1 Section 1. NEW SECTION. 249A.30B Home and community-based
2 services waiver — elderly — reimbursement.

3 The reimbursement for a provider of services under a medical
4 assistance program home and community-based services waiver
5 for the elderly shall be recalculated annually on July 1. The
6 annual inflation factor applied shall be determined based on
7 the total skilled nursing facility market basket index utilized
8 by the centers for Medicare and Medicaid services of the United
9 States department of health and human services.

10 EXPLANATION

11 This bill requires the reimbursement for providers of
12 services under a medical assistance home and community-based
13 services waiver for the elderly to be recalculated annually
14 on July 1. The annual inflation factor applied is to be
15 determined based on the skilled nursing facility market
16 basket index utilized by the centers for Medicare and Medicaid
17 services of the United States department of health and human
18 services.



Iowa General Assembly
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House File 115 - Introduced

HOUSE FILE 115

BY MASCHER, STUTSMAN,
T. TAYLOR, KRESSIG,
WOLFE, STAED, KEARNS,
BEARINGER, RUFF, BERRY,
H. MILLER, THEDE,
ANDERSON, KAJTAZOVIC,
WESSEL-KROESCHELL,
WINCKLER, COHOON, LYKAM,
M. SMITH, GASKILL, HALL,
STECKMAN, THOMAS, HUNTER,
ISENHART, RIDING, WOOD,
DUNKEL, OLDSON, FORBES,
MURPHY, MUHLBAUER, KELLEY,
LENSING, JACOBY, HANSON,
GAINES, ABDUL-SAMAD, and
R. OLSON

A BILL FOR

1 An Act relating to the department on aging, and making an
2 appropriation.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TL5B 1631HH (2) 85
pf/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
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H.F. 115

1 Section 1. DEPARTMENT ON AGING — APPROPRIATION. There
2 is appropriated from the general fund of the state to the
3 department on aging for the fiscal year beginning July 1,
4 2013, and ending June 30, 2014, the following amount, or so
5 much thereof as is necessary, to be used for the purposes
6 designated:

7 For aging programs for the department on aging and
8 area agencies on aging to provide citizens of Iowa who are
9 60 years of age and older with case management for frail
10 elders services, services available from Iowa's aging and
11 disabilities resource center, and other services which may
12 include but are not limited to adult day services, respite
13 care, chore services, information and assistance, and
14 material aid, and information and options counseling for
15 persons with disabilities who are 18 years of age or older;
16 and for salaries, support, administration, maintenance, and
17 miscellaneous purposes:

18 \$ 13,849,329

19 EXPLANATION

20 This bill makes an appropriation from the general fund of the
21 state to the department on aging for FY 2013-2014 in the amount
22 of \$13,849,329 to support aging programs for the department and
23 the area agencies on aging to provide services to citizens of
24 Iowa who are 60 years of age and older.



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House File 116 - Introduced

HOUSE FILE 116

BY MASCHER, STUTSMAN,
T. TAYLOR, KRESSIG,
HEDDENS, WOLFE, STAED,
KEARNS, BEARINGER, RUFF,
BERRY, THEDE, ANDERSON,
WESSEL-KROESCHELL,
WINCKLER, LYKAM, COHOON,
M. SMITH, R. OLSON,
ABDUL-SAMAD, GAINES,
HANSON, JACOBY, LENSING,
KELLEY, MUHLBAUER, MURPHY,
FORBES, OLDSON, WOOD,
RIDING, HUNTER, THOMAS,
STECKMAN, and HALL

A BILL FOR

1 An Act relating to the long-term care resident's advocate
2 program and making appropriations.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1627HH (2) 85
pf/rj



Iowa General Assembly
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H.F. 116

1 Section 1. LONG-TERM CARE RESIDENT'S ADVOCATE —
2 APPROPRIATIONS. There is appropriated from the general fund
3 of the state to the department on aging for the fiscal year
4 beginning July 1, 2013, and ending June 30, 2014, the following
5 amounts, or so much thereof as is necessary, to be used for the
6 purposes designated:

7 1. To provide an additional local long-term care resident's
8 advocate to administer the certified volunteer long-term care
9 resident's advocate program pursuant to section 231.45:

10 \$ 97,000

11 2. For the certified volunteer long-term care resident's
12 advocate program as created pursuant to section 231.45:

13 \$ 13,000

14 EXPLANATION

15 This bill relates to the long-term care resident's advocate
16 program. The bill makes appropriations from the general fund
17 of the state to the department on aging. The bill appropriates
18 \$97,000 for an additional local long-term care resident's
19 advocate to administer the certified volunteer long-term care
20 resident's advocate program and \$13,000 for the certified
21 volunteer long-term care resident's advocate program.



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House File 117 - Introduced

HOUSE FILE 117

BY HEDDENS, T. OLSON, HALL,
LUNDBY, RUNNING-MARQUARDT,
WINCKLER, T. TAYLOR,
MURPHY, WOOD, HUNTER,
MUHLBAUER, OURTH, FORBES,
WESSEL-KROESCHELL, GAINES,
WOLFE, STAED, KRESSIG,
KEARNS, BEARINGER, BERRY,
THEDE, ANDERSON, LYKAM,
COHOON, M. SMITH, MASCHER,
STUTSMAN, OLDSON, and
GASKILL

A BILL FOR

1 An Act relating to mental health and disability services by
2 making supplemental appropriations for the fiscal year
3 beginning July 1, 2012, and related changes, and including
4 effective dates.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TL5B 1444YH (4) 85
jp/tm



Iowa General Assembly
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H.F. 117

1 Section 1. MENTAL HEALTH AND DISABILITY SERVICES REDESIGN
2 TRANSITION FUND.

3 1. There is appropriated from the general fund of the
4 state to the department of human services for the fiscal year
5 beginning July 1, 2012, and ending June 30, 2013, the following
6 amount, or so much thereof as is necessary, to be used for the
7 purposes designated:

8 For deposit in the mental health and disability services
9 redesign transition fund created in 2012 Iowa Acts, chapter
10 1120, section 23:

11 \$ 20,000,000

12 Notwithstanding section 8.33, moneys appropriated in this
13 subsection that remain unencumbered or unobligated at the close
14 of the fiscal year shall not revert but shall remain available
15 for expenditure for the purposes designated until the close of
16 the succeeding fiscal year.

17 2. a. The moneys credited to the mental health and
18 disability services redesign transition fund pursuant to
19 subsection 1 are appropriated to the department of human
20 services for allocation as provided in this lettered paragraph.
21 The moneys shall be allocated to those counties identified by
22 the department in scenario 1 of the department's report on the
23 transition fund submitted to the general assembly on December
24 4, 2012, pursuant to 2012 Iowa Acts, chapter 1120, section
25 23, to be used to continue or restore services as provided
26 in the county applications in the award amounts determined
27 by the department and listed under scenario 1 in the report
28 appendix. In addition, the moneys shall be allocated to the
29 identified counties and to the other counties that applied for
30 the transition fund, in the amounts necessary for the counties
31 to carry forward from the fiscal year beginning July 1, 2012,
32 to the succeeding fiscal year, an ending balance of not less
33 than 16.87 percent nor more than 25 percent of the amount each
34 of the counties levied for the services fund created in section
35 331.424A for the current fiscal year.

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1 b. The allocations under this subsection shall be remitted
2 to counties not later than two calendar weeks following the
3 effective date of this division of this Act.

4 c. A county receiving an allocation under this subsection
5 shall either pay its obligation for outstanding Medicaid
6 billings to the state before the close of the fiscal year
7 beginning July 1, 2012, or have developed a plan with the
8 department for payment of the obligation over a defined period
9 of time.

10 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
11 immediate importance, takes effect upon enactment.

12 EXPLANATION

13 This bill relates to mental health and disability services
14 (MH/DS) by making supplemental appropriations for the fiscal
15 year beginning July 1, 2012.

16 An appropriation is made from the general fund of the
17 state to the department of human services to be credited
18 to the MH/DS redesign transition fund created in 2012 Iowa
19 Acts, chapter 1120 (S.F. 2315). The moneys are appropriated
20 from the transition fund to the department for allocation to
21 counties as provided in the bill. The moneys are allocated
22 to those counties that applied for transition fund assistance
23 and were designated for an award amount in scenario 1 of
24 the department's report to the general assembly submitted on
25 December 4, 2012, pursuant to S.F. 2315, and to those counties
26 that applied for transition fund assistance but were not
27 designated for an award in the department's report. The amount
28 to be remitted to each county is the award amount determined
29 by the department plus the amount necessary for the county to
30 carry forward from the fiscal year beginning July 1, 2012, to
31 the succeeding fiscal year, an ending balance of not less than
32 16.87 percent nor more than 25 percent of the amount the county
33 levied for the MH/DS services fund created in Code section
34 331.424A for the 2012-2013 fiscal year.

35 The allocations are required to be remitted to the counties

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1 not later than two weeks following the effective date of the
2 bill. The bill takes effect upon enactment.



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House File 118 - Introduced

HOUSE FILE 118
BY ISENHART and KOESTER

A BILL FOR

1 An Act creating an Iowa institute for public policy.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1178HH (4) 85
aw/sc



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H.F. 118

1 Section 1. NEW SECTION. 2E.1 Iowa institute for public
2 policy — board — executive director — funding.

3 1. The Iowa institute for public policy shall be established
4 as a nonprofit corporation under chapter 504 and qualifying
5 under section 501(c)(3) of the Internal Revenue Code as
6 an organization exempt from taxation. The institute shall
7 provide policymakers with timely information, research, and
8 recommendations to assist policymakers in this state in making
9 informed judgments about important long-term issues facing the
10 state and to improve the effectiveness of government in the
11 state.

12 2. a. The board of directors of the Iowa institute for
13 public policy shall consist of twelve members as follows:

14 (1) Two state representatives, one appointed by the speaker
15 of the house of representatives and one by the minority leader
16 of the house, and two state senators, one appointed by the
17 majority leader of the senate and one by the minority leader
18 of the senate.

19 (2) Two members appointed by the governor.

20 (3) One member appointed by the president of the university
21 of northern Iowa.

22 (4) One member appointed by the president of the university
23 of Iowa.

24 (5) One member appointed by the president of Iowa state
25 university of science and technology.

26 (6) One member appointed by the Iowa association of
27 independent colleges and universities.

28 (7) One member appointed by the Iowa association of
29 community college presidents.

30 (8) The director of the legislative services agency.

31 b. One co-chairperson shall be a state representative
32 and one co-chairperson shall be a state senator. The
33 co-chairpersons shall be appointed by the board. Members of
34 the board other than the director of the legislative services
35 agency shall serve two-year terms from the date of their

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1 appointment, and shall continue to serve until their successors
2 have been appointed. A member shall not serve more than two
3 consecutive terms. All members of the board serve at the
4 pleasure of the respective appointing authority, if any.

5 *c.* The board of directors shall meet at least quarterly, or
6 more frequently at the call of the co-chairpersons.

7 *d.* The board of directors shall adopt bylaws necessary for
8 the conduct of the business of the institute consistent with
9 this section.

10 3. The duties of the institute shall include but not be
11 limited to the following:

12 *a.* Initiate, sponsor, conduct, and publish research useful
13 to policymakers.

14 *b.* Organize conferences or other meetings on matters of
15 common interest to policymakers, academic experts, and other
16 stakeholders.

17 *c.* Conduct reviews and evaluations of state programs
18 and policies for the purpose of enhancing their long-term
19 effectiveness.

20 *d.* Provide technical and scientific assistance to
21 policymakers in connection with long-term issues facing the
22 state.

23 *e.* Strengthen the links between state government and Iowa's
24 academic, educational, and research communities in the interest
25 of more informed policymaking and more relevant academic
26 research.

27 4. *a.* The board shall employ an executive director who
28 shall serve as the chief executive officer for the institute.
29 The executive director shall be responsible for all operations
30 of the institute, including the hiring and supervision of
31 staff which may be authorized by the board, contracting with
32 university and other researchers, managing projects, and
33 communicating with the public and other stakeholders, including
34 the legislative council and legislative staff.

35 *b.* A person employed by the institute is a state employee

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1 for purposes of the Iowa public employees' retirement system,
2 state health and dental plans, other state employee benefits
3 plans, and chapter 669. Chapters 8, 8A, and 20, and other
4 provisions of law that relate to requirements or restrictions
5 dealing with state personnel or state funds, do not apply to
6 the institute or any employees of the board or the institute,
7 except to the extent provided in this chapter.

8 5. The institute shall be funded by appropriations by the
9 general assembly and from other public sources which may be
10 approved by the board. The institute shall accept no private
11 funding, except long-term funding commitments of three years or
12 more from private foundations or nonprofit organizations solely
13 for the purpose of supporting the institute's employment of
14 students attending a postsecondary educational institution in
15 Iowa, which funding may not be conditioned by the institute or
16 the entity providing the funds to support any specific research
17 project or any other program undertaken by the institute. The
18 institute may employ such students directly or may support the
19 employment of students by contract. The institute may impose
20 registration fees on participants for conferences it organizes
21 and may retain the proceeds of such registration fees.

22 Sec. 2. REPEAL. Section 7D.15, Code 2013, is repealed.

23 EXPLANATION

24 This bill provides for the establishment of the Iowa
25 institute for public policy as a nonprofit corporation for
26 the purpose of assisting policymakers in this state in making
27 informed judgments about important long-term issues facing the
28 state and to improve the effectiveness of government in the
29 state.

30 The institute is governed by a 12-member board of
31 directors. The membership of the board consists of two state
32 representatives, two state senators, two members appointed
33 by the governor, one member appointed by the president of
34 the university of northern Iowa, one member appointed by the
35 president of the university of Iowa, one member appointed

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1 by the president of Iowa state university of science and
2 technology, one member appointed by the Iowa association of
3 independent colleges and universities, one member appointed by
4 the Iowa association of community college presidents, and the
5 director of the legislative services agency. The bill provides
6 that the board shall appoint co-chairpersons of the board, one
7 who is a state representative and one who is a state senator.
8 The bill provides for meetings of the board and for adoption of
9 bylaws for the board and the institute.

10 The bill provides that the board shall employ an executive
11 director who shall be responsible for all operations of the
12 institute, including the hiring and supervision of staff. The
13 bill provides that employees of the institute or board shall
14 be considered state employees for purposes of the Iowa public
15 employees' retirement system, state health and dental plans,
16 and other state employee benefits plans and the Iowa tort
17 claims Act. The bill also provides that the institute may be
18 funded from public and private sources.

19 Code section 7D.15, requiring the executive council to
20 establish a public policy research foundation, is repealed.



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House File 119 - Introduced

HOUSE FILE 119
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 14)

A BILL FOR

1 An Act relating to county attorney duties when representing the
2 department of human services in juvenile court.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1327HV (3) 85
jm/sc



Iowa General Assembly
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H.F. 119

1 Section 1. Section 232.37, subsection 1, Code 2013, is
2 amended to read as follows:

3 1. After a petition has been filed the court shall set
4 a time for an adjudicatory hearing and unless the ~~parties~~
5 persons named in subsection 2 voluntarily appear, shall issue
6 a summons requiring the child to appear before the court at a
7 time and place stated and requiring the person who has custody
8 or control of the child to appear before the court and to bring
9 the child with the person at that time. The summons shall
10 attach a copy of the petition and shall give notification of
11 the right to counsel provided for in section 232.11.

12 Sec. 2. Section 232.71C, subsection 1, Code 2013, is amended
13 to read as follows:

14 1. If, upon completion of an assessment performed under
15 section 232.71B, the department determines that the best
16 interests of the child require juvenile court action, the
17 department shall act appropriately to initiate the action.
18 If at any time during the assessment process the department
19 believes court action is necessary to safeguard a child, the
20 department shall act appropriately to initiate the action. The
21 county attorney shall assist the department ~~as provided under~~
22 ~~section 232.90, subsection 2.~~

23 Sec. 3. Section 232.87, subsection 2, Code 2013, is amended
24 to read as follows:

25 2. A petition may be filed by the department of human
26 services, juvenile court officer, or county attorney. In
27 determining whether a petition is to be filed, the department
28 or a juvenile court officer may consult with the county
29 attorney. If the county attorney declines to file a petition
30 requested by the department or juvenile court officer, the
31 department or juvenile court officer may file the petition
32 pursuant to this section, and may request that the attorney
33 general represent the state in place of the county attorney.

34 Sec. 4. Section 232.88, Code 2013, is amended to read as
35 follows:

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jm/sc

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H.F. 119

1 **232.88 Summons, notice, subpoenas, and service.**

2 After a petition has been filed, the court shall issue and
3 serve summons, subpoenas, and other process in the same manner
4 as for adjudicatory hearings in cases of juvenile delinquency
5 as provided in section 232.37. Reasonable notice shall be
6 provided to the persons required to be provided notice under
7 section 232.37, except that notice shall be waived regarding
8 a person who was notified of the adjudicatory hearing and who
9 failed to appear. In addition, reasonable notice for any
10 hearing under this division shall be provided to the department
11 of human services, and the agency, facility, institution,
12 or person, including a foster parent, relative, or other
13 individual providing preadoptive care, with whom a child has
14 been placed.

15 Sec. 5. Section 232.90, Code 2013, is amended to read as
16 follows:

17 **232.90 Duties of county attorney.**

18 1. As used in this section, "state" means the general
19 interest held by the people in the health, safety, welfare, and
20 protection of all children living in this state.

21 ~~1. 2.~~ The county attorney shall represent the state in
22 proceedings arising from a petition filed under this division
23 ~~and shall present evidence in support of the petition.~~ The
24 county attorney shall be present at proceedings initiated by
25 petition under this division filed by an intake officer or the
26 county attorney, or if a party to the proceedings contests the
27 proceedings, or if the court determines there is a conflict of
28 interest between the child and the child's parent, guardian, or
29 custodian or if there are contested issues before the court.

30 ~~2. The county attorney shall represent the department in~~
31 ~~proceedings arising under this division. However, if there is~~
32 ~~disagreement between the department and the county attorney~~
33 ~~regarding the appropriate action to be taken, the department~~
34 ~~may request to be represented by the attorney general in place~~
35 ~~of the county attorney.~~

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1 3. At the dispositional hearing or any subsequent
2 modification hearing held pursuant to this division, the county
3 attorney shall present to the court evidence regarding the
4 availability, fiscal impact, or fiscal limitations of any
5 placement for the child that is under consideration by the
6 court, if such evidence is provided by the department to the
7 county attorney.

8 4. In any proceeding under this division, the county
9 attorney shall consult with the department to ensure
10 compliance with all applicable state and federal laws regarding
11 permanency.

12 Sec. 6. Section 232.102, subsection 1, paragraph a,
13 unnumbered paragraph 1, Code 2013, is amended to read as
14 follows:

15 After a dispositional hearing and consideration of
16 all information provided by the department regarding the
17 availability, fiscal impact, or fiscal limitations to placement
18 for the child, the court may enter an order transferring the
19 legal custody of the child to one of the following for purposes
20 of placement:

21 Sec. 7. Section 232.104, subsection 1, Code 2011, is amended
22 by adding the following new paragraph:

23 NEW PARAGRAPH. d. If an initial permanency hearing is
24 not timely scheduled by the court, the department may seek
25 assistance of the county attorney in requesting that the court
26 set a timely permanency hearing.

27 Sec. 8. Section 232.111, subsection 1, Code 2013, is amended
28 to read as follows:

29 1. A child's guardian, guardian ad litem, or custodian,
30 the department of human services, a juvenile court officer, or
31 the county attorney may file a petition for termination of the
32 parent-child relationship and parental rights with respect to a
33 child. In determining whether a petition is to be filed, the
34 department or a juvenile court officer may consult with the
35 county attorney. If the county attorney declines to file a

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1 petition requested by the department or juvenile court officer,
2 the department or juvenile court officer may file the petition
3 pursuant to this section, and may request that the attorney
4 general represent the state in place of the county attorney.

5 Sec. 9. Section 232.111, subsection 4, paragraph b,
6 subparagraph (3), Code 2013, is amended to read as follows:

7 (3) ~~Custodian~~ Legal custodian of the child.

8 Sec. 10. Section 232.112, subsection 1, Code 2013, is
9 amended to read as follows:

10 1. Persons listed in section 232.111, subsection 4, other
11 than the department of human services, shall be necessary
12 parties to a termination of parent-child relationship
13 proceeding and are entitled to receive notice and an
14 opportunity to be heard, except that notice may be dispensed
15 with in the case of any such person whose name or whereabouts
16 the court determines is unknown and cannot be ascertained by
17 reasonably diligent search. In addition to the persons who are
18 necessary parties who may be parties under section 232.111,
19 notice for any hearing under this division shall be provided to
20 the department of human services, the child's foster parent,
21 an individual providing preadoptive care for the child, or a
22 relative providing care for the child.

23 Sec. 11. Section 232.114, Code 2013, is amended to read as
24 follows:

25 **232.114 Duties of county attorney.**

26 1. As used in this section, "state" means the general
27 interest held by the people in the health, safety, welfare, and
28 protection of all children living in this state.

29 ~~1. 2.~~ Upon the filing of a petition the county attorney
30 shall represent the state in all adversary proceedings arising
31 under this division ~~and shall present evidence in support of~~
32 ~~the petition.~~

33 ~~2. The county attorney shall represent the department in~~
34 ~~proceedings arising under this division. However, if there is~~
35 ~~disagreement between the department and the county attorney~~

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1 ~~regarding the appropriate action to be taken, the department~~
2 ~~may request to be represented by the attorney general in place~~
3 ~~of the county attorney.~~

4 Sec. 12. Section 232.180, Code 2013, is amended to read as
5 follows:

6 **232.180 Duties of county attorney.**

7 1. As used in this section, "state" means the general
8 interest held by the people in the health, safety, welfare, and
9 protection of all children living in this state.

10 2. Upon the filing of a petition and the request of the
11 department, the county attorney shall represent the state in
12 all adversary proceedings arising under this division and shall
13 present evidence in support of the petition as provided under
14 section 232.90.

15 EXPLANATION

16 This bill eliminates the county attorney's duty to represent
17 the department of human services in juvenile court.

18 Code section 232.37 is amended to remove the reference
19 to known parents, guardians, or legal custodians as parties.
20 The Code section continues to provide that unless the known
21 parents, guardians or legal custodians of a child, the child,
22 and the child's guardian ad litem voluntarily appear for an
23 adjudicatory hearing to determine if the child has committed a
24 delinquent act, the court shall issue a summons requiring the
25 child to appear before the court at a time and place stated and
26 requiring the person who has custody or control of the child to
27 appear before the court and to bring the child with the person
28 at the time of the hearing.

29 Code section 232.71C is amended to provide that the county
30 attorney shall assist the department of human services in a
31 child in need of assistance proceeding, but strikes a reference
32 requiring the county attorney to represent the department in
33 such proceedings.

34 Code section 232.87 is amended by adding a provision
35 providing that the department of human services or a juvenile

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1 court officer may consult with the county attorney to determine
2 whether a child in need of assistance petition should be filed.
3 Under the bill, if the county attorney declines to file such a
4 petition, the department of human services or juvenile court
5 officer may file the petition, and request the attorney general
6 represent the state in place of the county attorney.

7 Code section 232.88 is amended to add the department of human
8 services to the list of persons or entities required to be
9 provided notice of a child in need of assistance proceeding.

10 Code section 232.90 is amended to require the county
11 attorney to represent the state in a child in need of
12 assistance proceeding and strikes a provision requiring the
13 county attorney to represent the department of human services
14 in such a proceeding. The amendment to Code section 232.90
15 defines "state" to mean the general interest held by the people
16 in the health, safety, welfare, and protection of all children
17 living in the state. Code section 232.90 is amended to strike
18 a provision allowing the attorney general to represent the
19 department of human services if a dispute arises between the
20 county attorney and the department of human services in a child
21 in need of assistance proceeding.

22 Code section 232.90 is also amended to provide that at
23 a dispositional hearing of a child in need of assistance
24 proceeding or any subsequent modification, the county attorney
25 shall present evidence to the court regarding the availability,
26 fiscal impact, or fiscal limitations of any placement being
27 considered for the child, if such evidence is provided by the
28 department of human services to the county attorney. Code
29 section 232.90 is also amended to require the county attorney
30 to consult with the department to ensure compliance with all
31 applicable state and federal laws regarding permanency for a
32 child adjudicated a child in need of assistance.

33 Code section 232.104 is amended to permit the department of
34 human services to seek assistance of the county attorney in
35 setting a timely permanency hearing for a child adjudicated a

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1 child in need of assistance.

2 Code section 232.111 is amended to require a petition
3 for termination of parental rights to contain the name and
4 residence of the "legal custodian" of the child. Current law
5 requires the petition for termination of parental rights to
6 contain the name and residence of the "custodian" of the child.

7 Code section 232.111 is also amended by adding a provision
8 providing that the department of human services or a juvenile
9 court officer may consult with the county attorney to determine
10 whether a termination of parental rights petition should be
11 filed. Under the bill, if the county attorney declines to file
12 such a petition, the department of human services or juvenile
13 court officer may file the petition and request the attorney
14 general represent the state in place of the county attorney.

15 Code section 232.112 is amended to strike a provision
16 requiring the department of human services to receive notice
17 and an opportunity to be heard, as a necessary party listed
18 in Code section 232.111, in a termination of parent-child
19 relationship proceeding, except that the department shall be
20 provided notice of such a hearing if acting in a capacity
21 similar to that of a child's foster parent or other person
22 providing care for the child.

23 Code section 232.114 is amended to require a county attorney
24 to represent the state in a termination of parental rights
25 proceeding and strikes a provision requiring a county attorney
26 to represent the department of human services in such a
27 proceeding. The amendment to Code section 232.114 defines
28 "state" to mean the general interest held by the people in the
29 health, safety, welfare, and protection of all children living
30 in the state. The amendment to Code section 232.114 also
31 strikes a provision allowing the attorney general to represent
32 the department of human services if a dispute arises between
33 the county attorney and the department of human services in a
34 termination of parental rights proceeding.

35 Code section 232.180 is amended to require the county

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1 attorney to represent the state in a voluntary foster care
2 placement proceeding and strikes a provision requiring the
3 county attorney to represent the department of human services.
4 The amendment to Code section 232.180 defines "state" to mean
5 the general interest held by the people in the health, safety,
6 welfare, and protection of all children living in the state.



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House File 120 - Introduced

HOUSE FILE 120
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 15)

A BILL FOR

1 An Act relating to the administration of the judicial branch
2 including provisions pertaining to shorthand reporters and
3 the practice of law, making appropriations, and providing
4 for a fee.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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H.F. 120

1 Section 1. Section 8A.504, subsection 2, paragraph j, Code
2 2013, is amended by adding the following new subparagraph:

3 NEW SUBPARAGRAPH. (4) The collection entity shall remit
4 to the state court administrator, on at least a monthly basis,
5 ten percent of the amounts set off to be used by the judicial
6 branch to defray the costs of collecting unpaid court debt
7 pursuant to section 602.8107.

8 Sec. 2. Section 602.3106, subsection 2, Code 2013, is
9 amended by striking the subsection and inserting in lieu
10 thereof the following:

11 2. The fees collected are appropriated to the judicial
12 branch and shall be used to offset the expenses of the board,
13 including the costs of administering the examination.

14 Sec. 3. Section 602.10108, subsection 2, Code 2013, is
15 amended to read as follows:

16 2. Fees shall be collected by the board and ~~transmitted~~
17 ~~to the treasurer of state who shall deposit the fees in the~~
18 ~~general fund of the state~~ are appropriated to the judicial
19 branch and shall be used to offset the costs of administering
20 this article.

21 EXPLANATION

22 This bill relates to the administration of the judicial
23 branch.

24 The bill requires the department of administrative
25 services and any other state agency that maintains a separate
26 accounting system and elects to establish a debt collection
27 setoff procedure, to remit to the state court administrator,
28 10 percent of the amounts set off from the collection of
29 delinquent court debt for use by the judicial branch to defray
30 the costs of collecting unpaid court debt.

31 The bill specifies that the fees assessed for shorthand
32 certification examinations are appropriated to the judicial
33 branch and shall be used to offset the expenses of the board
34 of examiners of shorthand reporters, including the costs of
35 administering examinations.

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1 The bill specifies that the fees collected for examination
2 and admission to practice law are appropriated to the judicial
3 branch and shall be used to offset the costs of administering
4 the examination and admission process to practice law.



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House File 121 - Introduced

HOUSE FILE 121
BY COMMITTEE ON LABOR

(SUCCESSOR TO HSB 18)

A BILL FOR

1 An Act relating to conformity with federal law concerning
2 unemployment insurance employer charges and claimant
3 misrepresentation regarding benefit overpayments, providing
4 a penalty, and including applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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je/rj



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1 Section 1. Section 96.3, subsection 7, paragraph b,
2 subparagraph (1), Code 2013, is amended to read as follows:
3 (1) (a) If the department determines that an overpayment
4 has been made, the charge for the overpayment against the
5 employer's account shall be removed and the account shall
6 be credited with an amount equal to the overpayment from
7 the unemployment compensation trust fund and this credit
8 shall include both contributory and reimbursable employers,
9 notwithstanding section 96.8, subsection 5. The employer shall
10 not be relieved of charges if benefits are paid because the
11 employer or an agent of the employer failed to respond timely
12 or adequately to the department's request for information
13 relating to the payment of benefits. This prohibition
14 against relief of charges shall apply to both contributory and
15 reimbursable employers.
16 (b) However, provided the benefits were not received as the
17 result of fraud or willful misrepresentation by the individual,
18 benefits shall not be recovered from an individual if the
19 employer did not participate in the initial determination to
20 award benefits pursuant to section 96.6, subsection 2, and
21 an overpayment occurred because of a subsequent reversal on
22 appeal regarding the issue of the individual's separation
23 from employment. ~~The employer shall not be charged with the~~
24 ~~benefits.~~
25 Sec. 2. Section 96.16, subsection 4, Code 2013, is amended
26 to read as follows:
27 4. *Misrepresentation.*
28 a. An individual who, by reason of the nondisclosure or
29 misrepresentation by the individual or by another of a material
30 fact, has received any sum as benefits under this chapter
31 while any conditions for the receipt of benefits imposed by
32 this chapter were not fulfilled in the individual's case, or
33 while the individual was disqualified from receiving benefits,
34 shall, in the discretion of the department, either be liable
35 to have the sum deducted from any future benefits payable to

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1 the individual under this chapter or shall be liable to repay
2 to the department for the unemployment compensation fund, a
3 sum equal to the amount so received by the individual. If
4 the department seeks to recover the amount of the benefits by
5 having the individual pay to the department a sum equal to that
6 amount, the department may file a lien with the county recorder
7 in favor of the state on the individual's property and rights
8 to property, whether real or personal. The amount of the lien
9 shall be collected in a manner similar to the provisions for
10 the collection of past-due contributions in section 96.14,
11 subsection 3.

12 b. The department shall assess a penalty equal to fifteen
13 percent of the amount of a fraudulent overpayment. The penalty
14 shall be collected in the same manner as the overpayment. The
15 penalty shall be added to the amount of any lien filed pursuant
16 to paragraph "a" and shall not be deducted from any future
17 benefits payable to the individual under this chapter. Funds
18 received for overpayment penalties shall be deposited in the
19 unemployment trust fund.

20 Sec. 3. APPLICABILITY. The section of this Act amending
21 section 96.3, subsection 7, relating to relief of charges,
22 applies to any overpayment determination issued on or after
23 July 1, 2013.

24 Sec. 4. APPLICABILITY. The section of this Act amending
25 section 96.16, subsection 4, providing a penalty relating to
26 fraudulent overpayment, applies to any fraudulent overpayment
27 issued on or after July 1, 2013.

28 EXPLANATION

29 This bill conforms the state unemployment compensation law
30 to the requirements of sections 251 and 252 of the federal
31 Trade Adjustment Assistance Extension Act of 2011, Pub. L. No.
32 112-40.

33 The bill prohibits the department of workforce development
34 from relieving an employer of charges against the employer's
35 account for an overpayment of unemployment compensation

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1 benefits if the overpayment occurred because the employer or an
2 agent of the employer failed to respond timely or adequately
3 to the department's request for information relating to the
4 payment of the benefits.

5 The bill removes the prohibition against charging an
6 employer's account for an overpayment of unemployment
7 compensation benefits when the overpayment is not recovered
8 from the claimant because the employer did not participate in
9 an initial determination to award benefits and the overpayment
10 occurred because of a subsequent reversal on appeal regarding
11 the issue of the claimant's separation from employment.

12 The bill establishes a penalty on individuals who receive
13 unemployment compensation benefits through fraud. The penalty
14 is equal to 15 percent of the amount of the overpayment and is
15 to be collected in the same manner as the overpayment but shall
16 not be collected from any future benefits.

17 The bill applies to any overpayment determination or
18 fraudulent overpayment issued on or after July 1, 2013.



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House File 122 - Introduced

HOUSE FILE 122
BY ISENHART and HIGHFILL

A BILL FOR

1 An Act relating to the operations of certain common interest
2 communities.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. **499A.1A Applicability.**

2 This chapter shall apply to cooperatives established under
3 this chapter unless otherwise provided in chapter 499C.

4 Sec. 2. NEW SECTION. **499B.1A Applicability.**

5 This chapter shall apply to horizontal property regimes
6 established under this chapter unless otherwise provided in
7 chapter 499C.

8 Sec. 3. Section 499B.15, subsection 2, Code 2013, is amended
9 by striking the subsection.

10 Sec. 4. NEW SECTION. **499B.21 Board of administration —**
11 **meetings and records.**

12 1. For horizontal property regimes with eight or more
13 apartments, if the form of administration is a board of
14 administration, the board of administration shall comply with
15 the requirements of chapter 499C.

16 2. For horizontal property regimes with seven or less
17 apartments, if the form of administration is a board of
18 administration, the board of administration shall comply
19 with the requirements of section 499C.401, subsection 2, and
20 sections 499C.402 and 499C.403.

21 Sec. 5. NEW SECTION. **499C.101 Title.**

22 This chapter shall be known and cited as the "*Iowa Common*
23 *Interest Ownership Act*".

24 Sec. 6. NEW SECTION. **499C.102 Public policy.**

25 The general assembly declares that it is the public policy of
26 the state that the management and affairs of common interest
27 communities be conducted openly, and this chapter shall be
28 construed to provide open access to the management of the
29 common interest community for the unit owners.

30 Sec. 7. NEW SECTION. **499C.103 Definitions.**

31 As used in this chapter, unless the context otherwise
32 requires:

33 1. "*Bylaws*" means the instruments, however denominated,
34 that contain the procedures for conducting the affairs of the
35 unit owners association or the executive board regardless of

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1 the form in which the association is organized, including any
2 amendments to such instruments.

3 2. *"Common element"* means:

4 a. For a cooperative under chapter 499A or a horizontal
5 property regime under chapter 499B, all portions of the common
6 interest community other than the units.

7 b. For a planned community, any real estate within the
8 planned community which is owned or leased by the unit owners
9 association, other than a unit.

10 c. For all common interest communities, any other interests
11 in real estate for the benefit of unit owners which are subject
12 to the declaration.

13 3. a. *"Common interest community"* means real estate
14 described in a declaration with respect to which a person,
15 by virtue of the person's ownership of a unit, is obligated
16 to pay for a share of real estate taxes, insurance premiums,
17 maintenance, or improvement of, or services or other expenses
18 related to, common elements, other units, or other real estate
19 described in the declaration. *"Common interest community"*
20 includes a cooperative under chapter 499A and a horizontal
21 property regime under chapter 499B.

22 b. Common interest community does not include:

23 (1) A covenant that requires the owners of separate parcels
24 of real estate to share costs or other obligations related to a
25 wall, driveway, well, or other similar structure, unless all
26 such owners consent in writing to the creation of a common
27 interest community.

28 (2) Real estate described in paragraph "a" if all units are
29 owned by a single unit owner.

30 4. *"Declarant"* means any person or group of persons who,
31 as the record title owner of real estate, by a declaration,
32 initially creates a common interest community.

33 5. *"Declaration"* means the instrument, however denominated,
34 that creates a common interest community, including any
35 amendments to the instrument.



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1 6. *"Executive board"* means the body, regardless of name,
2 designated in the declaration or bylaws to act on behalf of the
3 unit owners association.

4 7. *"Planned community"* means a common interest community
5 that is not a cooperative under chapter 499A or a horizontal
6 property regime under chapter 499B, and includes property
7 owner or homeowner associations. However, a cooperative under
8 chapter 499A or a horizontal property regime under chapter 499B
9 may be part of a planned community.

10 8. *"Rule"* means a policy, guideline, restriction, procedure,
11 or regulation, however denominated, which is not set forth in
12 the declaration or bylaws.

13 9. *"Unit"* means a physical portion of the common interest
14 community designated for separate ownership or occupancy or
15 as otherwise defined in the statute under which the common
16 interest community is organized.

17 10. *"Unit owner"* means a declarant or other person that owns
18 a unit, but does not include a person having an interest in a
19 unit solely as security for an obligation. In a horizontal
20 property regime under chapter 499B or a planned community, the
21 declarant is the owner of any unit created by the declaration.
22 In a cooperative under chapter 499A, the declarant is the owner
23 of any unit to which an interest has been allocated until that
24 unit has been conveyed to another person.

25 11. *"Unit owners association"* means an association,
26 regardless of name, organized as a for-profit or nonprofit
27 corporation, trust, limited liability company, partnership,
28 unincorporated association, or any other form of organization
29 authorized by the laws of this state, the membership of
30 which consists solely of unit owners except following
31 termination of the common interest community, at which time the
32 association shall consist of all former unit owners entitled
33 to distributions of proceeds or their heirs, successors, or
34 assigns.

35 Sec. 8. NEW SECTION. **499C.104 Variation by agreement.**

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1 Except as expressly provided in this chapter, the provisions
2 of this chapter may not be varied by agreement, and rights
3 conferred by it may not be waived.

4 Sec. 9. NEW SECTION. **499C.105 Applicability.**

5 Unless otherwise provided by law:

6 1. This chapter applies to common interest communities
7 within this state having eight or more units.

8 2. Any portion of a declaration, bylaws, covenant, or
9 other contractual provision existing prior to July 1, 2013,
10 that violates or is inconsistent with this chapter is not
11 enforceable. However, nothing in this chapter shall be
12 construed to invalidate other provisions of the declaration,
13 bylaws, plats, or plans of those common interest communities
14 established before July 1, 2013.

15 3. The provisions of this chapter shall prevail over any
16 conflicting provision of law under which a common interest
17 community or unit owners association is organized.

18 Sec. 10. NEW SECTION. **499C.201 Unit owners association —**
19 **executive board.**

20 1. A unit owners association shall have an executive board.

21 2. Except as otherwise provided in the declaration,
22 the bylaws, subsection 3 of this section, or provisions of
23 the statute under which the common interest community is
24 organized, an executive board acts on behalf of the unit owners
25 association.

26 3. An executive board shall not act on behalf of the unit
27 owners association to amend the declaration, to terminate the
28 common interest community, to elect members of the executive
29 board, or determine the qualifications, powers and duties, or
30 terms of office of executive board members. An executive board
31 may fill vacancies in its membership for the unexpired portion
32 of any term.

33 4. A declaration may provide for a period of declarant
34 control of the unit owners association, during which a
35 declarant, or persons designated by the declarant, may appoint



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1 and remove the officers and members of the executive board.
2 For declarations filed on or after July 1, 2013, a period of
3 declarant control shall be clearly defined in the declaration.

4 Sec. 11. NEW SECTION. **499C.401 Meetings.**

5 1. Meetings of a unit owners association, whether such
6 association is incorporated or unincorporated, shall comply
7 with all of the following:

8 a. A unit owners association shall hold a meeting of
9 unit owners annually at a time, date, and place stated in or
10 determined in accordance with the declaration or bylaws.

11 b. A unit owners association shall hold a special meeting
12 of unit owners to address any matter affecting the unit owners
13 association if the association's president, a majority of the
14 executive board, or a number of unit owners comprising at
15 least forty percent of all votes in the association, unless a
16 different percentage is specified in the bylaws, request that
17 the secretary call the meeting. If the unit owners association
18 does not notify unit owners of a special meeting within thirty
19 days after the required number of unit owners has requested the
20 secretary to call a special meeting, the requesting members may
21 directly notify all unit owners of the meeting. Only matters
22 described in the meeting notice may be considered at a special
23 meeting.

24 c. A unit owners association shall notify each unit owner
25 of the time, date, and place of each annual and special unit
26 owners meeting not less than ten days and not more than sixty
27 days before the meeting date. Notice may be by any means
28 described in section 499C.403. Each meeting notice shall state
29 the time, date, and place of the meeting and the items on the
30 agenda in a manner reasonably calculated to apprise the unit
31 owners of that information, including but not limited to:

32 (1) A statement of the general nature of any proposed
33 amendment to the declaration or bylaws.

34 (2) A statement describing any budget changes.

35 (3) Any proposal to remove an officer or member of the



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1 executive board.

2 *d.* The requirements relating to the timing of meeting
3 notices under paragraph "*c*" may be reduced or waived for a
4 meeting called to address an emergency. A meeting called to
5 address an emergency shall be limited to matters arising out
6 of the emergency.

7 *e.* Each unit owner shall be given a reasonable opportunity
8 at any meeting to comment on any matter affecting the common
9 interest community or the unit owners association.

10 *f.* The declaration or bylaws may allow for meetings of
11 unit owners to be conducted by telephonic, video, or other
12 conferencing method, if such method is consistent with
13 subsection 2, paragraph "*g*".

14 2. Meetings of the executive board and committees of the
15 unit owners association, authorized to act for the unit owners
16 association, shall comply with all of the following:

17 *a.* Meetings shall be open to the unit owners except during
18 executive sessions. The executive board and committees of
19 the unit owners association may hold an executive session
20 only during a regular or special meeting of the board or the
21 committee. No final vote or final action may be taken during
22 an executive session. An executive session may only be held
23 for the following reasons:

24 (1) To consult with the unit owners association's attorney
25 concerning legal matters governed by attorney-client privilege.

26 (2) To discuss existing or potential litigation or
27 mediation, arbitration, or governmental administrative
28 proceedings.

29 (3) To discuss matters relating to the job performance,
30 compensation, or health records of an individual employee or
31 specific complaints against an individual employee of the
32 unit owners association or against an independent contractor
33 employed by the unit owners association.

34 (4) To discuss contracts, leases, and other commercial
35 transactions for goods or services that are under negotiation,

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1 including the review of bids or proposals, if public disclosure
2 of such matters would place the unit owners association at a
3 disadvantage.

4 (5) To discuss personal, health, or financial information
5 relating to a unit owner, a specific employee of the unit
6 owners association, or a specific employee of an independent
7 contractor retained by the unit owners association, including
8 any records of the unit owners association relating to such
9 information.

10 b. For purposes of this section, a gathering of board
11 members at which the board members do not conduct unit owners
12 association business is not a meeting of the executive board.
13 Executive board members shall not use incidental or social
14 gatherings of board members or any other method to evade the
15 meeting and notice requirements of this section.

16 c. During a period of declarant control, the executive board
17 shall meet at least one time each year. At least one of the
18 meetings shall be held at the common interest community or at
19 a place convenient to the unit owners of the common interest
20 community. After termination of the period of declarant
21 control, all executive board meetings shall be at the common
22 interest community or at a place convenient to the unit owners
23 of the common interest community unless the unit owners amend
24 the bylaws to vary the location of such meetings.

25 d. At each executive board meeting, the executive board
26 shall provide a reasonable opportunity for unit owners to
27 comment on any matter affecting the common interest community
28 and the unit owners association.

29 e. Unless the meeting is included in a schedule given to the
30 unit owners or the meeting is called to address an emergency,
31 the secretary or other officer specified in the bylaws shall
32 give notice of each executive board meeting to each executive
33 board member and to each unit owner. Such notice shall be
34 given at least ten days before the meeting and shall state the
35 time, date, place, and agenda of the meeting.



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1 *f.* If any materials are distributed to the executive board
2 before a meeting, the executive board, upon receipt of the
3 materials, shall make copies reasonably available to unit
4 owners, except that the executive board is not required to make
5 available copies of unapproved minutes or materials that are to
6 be considered during an executive session.

7 *g.* Unless otherwise provided in the declaration or bylaws,
8 the executive board may conduct a meeting by telephonic, video,
9 or other conferencing method if all of the following conditions
10 are met:

11 (1) The meeting notice states the conferencing method to
12 be used and provides information explaining how unit owners
13 may participate in the conference directly or by meeting at a
14 central location or conference connection.

15 (2) The process provides all unit owners the opportunity
16 to hear or perceive the discussion and to comment on matters
17 before the executive board.

18 *h.* Following termination of the period of declarant control,
19 unit owners may amend the bylaws to vary the procedures for
20 meetings described in paragraph "*g*".

21 *i.* In lieu of a meeting, the executive board may act by
22 unanimous consent if such action is documented in a record
23 authenticated by all executive board members. The secretary
24 shall give prompt notice to all unit owners of any action
25 taken by unanimous consent. After termination of the period
26 of declarant control, an executive board may act by unanimous
27 consent only to undertake ministerial actions or to implement
28 actions previously taken at a meeting of the executive board.

29 *j.* Unless otherwise restricted by this chapter or the common
30 interest community's bylaws, an executive board may determine
31 rules of procedure for the executive board.

32 *k.* An executive board may remove any person from a meeting
33 of the executive board upon a finding by a majority of the
34 board members that the person is being disruptive to the
35 meeting. An executive board may bar any person from meetings



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1 of the executive board or other meetings of the common interest
2 community for a period of up to one year if the person has
3 been twice removed from a meeting within the preceding twelve
4 months.

5 1. An action by an executive board that is not in compliance
6 with this section is valid unless invalidated by a court. A
7 challenge to the validity of an action of the executive board
8 for failure to comply with this section shall not be brought
9 more than sixty days after the minutes of the executive board
10 of the meeting at which the action was taken are approved
11 or the record of that action is distributed to unit owners,
12 whichever is later.

13 Sec. 12. NEW SECTION. **499C.402 Association records.**

14 1. A unit owners association shall retain all of the
15 following:

16 a. Detailed records of receipts and expenditures relating to
17 the operation and administration of the unit owners association
18 and other appropriate accounting records.

19 b. Minutes of all unit owners meetings and executive board
20 meetings, a record of all actions taken by the unit owners or
21 the executive board without a meeting, and a record of all
22 actions taken by a committee in place of the executive board on
23 behalf of the unit owners association. The minutes retained
24 by the unit owners association shall indicate the date, time,
25 and place of the meeting, the names of all persons present
26 at the meeting, and each action taken at the meeting. The
27 minutes shall also include the results of each vote taken at
28 the meeting, including information indicating the vote of each
29 executive board member present at the meeting. The vote of
30 each executive board member present shall be made public at the
31 open session.

32 c. The names of all unit owners in a form that permits
33 preparation of a list of the names of all owners and the
34 regular mail or electronic mail address at which the unit
35 owners association communicates with them, and the number of



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1 votes each unit owner is entitled to cast.
2 *d.* The unit owners association's original and amended
3 organizational documents, bylaws, including all amendments to
4 the bylaws, and all rules of the common interest community
5 currently in effect.
6 *e.* All financial statements and tax returns of the unit
7 owners association for the past three years.
8 *f.* A list of the names and addresses of the current
9 executive board members and officers.
10 *g.* The unit association's most recent annual report
11 delivered to the secretary of state, if applicable.
12 *h.* Copies of each contract to which the unit owners
13 association is currently a party.
14 *i.* Records of executive board or committee actions relating
15 to requests for design or architectural approval from unit
16 owners.
17 *j.* Ballots, proxies, and other records related to voting by
18 unit owners for one year after the election, action, or vote.
19 2. Except as provided under subsections 3 and 4, all records
20 retained by a unit owners association must be available for
21 examination and copying by a unit owner or the unit owner's
22 authorized agent during reasonable business hours or at a
23 mutually convenient time and location upon providing a five
24 days' notice that reasonably identifies the specific records
25 that are being requested.
26 3. Records retained by a unit owners association may be
27 withheld from inspection and copying to the extent that they
28 concern:
29 *a.* Personally identifiable information, salary, and medical
30 records relating to specific individuals.
31 *b.* Information relating to contracts, leases, and other
32 commercial transactions to purchase or provide goods or
33 services, currently under negotiation.
34 *c.* Information relating to existing or potential litigation,
35 mediation, arbitration, or governmental administrative

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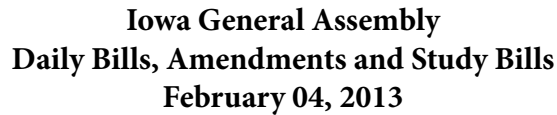
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1 proceedings.
2 *d.* Information relating to existing or potential matters
3 involving governmental administrative proceedings or other
4 proceedings before a government tribunal for enforcement of the
5 declaration, bylaws, or rules.
6 *e.* Communications with the unit owners association attorney
7 which are otherwise protected by the attorney-client privilege
8 or the attorney work-product doctrine.
9 *f.* Information that if disclosed would violate another
10 provision of law.
11 *g.* Records of an executive session of the executive board.
12 However, upon the completion of a matter that is the subject of
13 an executive session held under section 499C.401, subsection
14 2, paragraph "a", subparagraphs (1) through (4), such records
15 of the executive session shall be available for inspection as
16 provided in this section.
17 *h.* Records directly related to the personal, health, or
18 financial information of a unit owner, if the person requesting
19 the records is not the unit owner that is the subject of the
20 records.
21 4. A unit owners association may charge a reasonable fee
22 for providing copies of any records under this section and for
23 supervising the inspection of such records.
24 5. The right to inspect records under this section includes
25 the right to copy records by photocopying or other means
26 including copies through an electronic transmission, if
27 available, upon request of the requester.
28 6. A unit owners association is not obligated to compile or
29 synthesize information or records under this section.
30 7. Information or records obtained under this section shall
31 not be used for commercial purposes.
32 Sec. 13. NEW SECTION. 499C.403 Notice to unit owners.
33 1. A unit owners association or an executive board, as
34 applicable, shall deliver each notice required to be given by
35 the association or board under this chapter to the regular mail

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1 address or electronic mail address provided by each unit owner.
2 If a regular mail address or electronic mail address is not
3 provided by the unit owner, the notice may be delivered using
4 any of the following methods:

6 b. Mailing by regular mail or certified mail, as defined in
7 section 618.15, to the address of the unit.

10 2. The ineffectiveness of a good-faith effort to deliver
11 notice under subsection 1 does not invalidate an action taken
12 at a meeting or an action taken by other means.

15 A declarant, unit owners association, unit owner, or any
16 other person subject to this chapter may bring an action to
17 enforce a right granted or obligation imposed by this chapter,
18 the declaration, or the bylaws. In any action brought under
19 this chapter, the court may award reasonable attorney fees to
20 the prevailing party.

22 This bill creates the "Iowa Common Interest Ownership Act,"
23 new Code chapter 499C. The bill provides that it is the
24 public policy of the state that the management and affairs of
25 common interest communities be conducted openly and that the
26 new Code chapter is to be construed to provide open access to
27 the management of the common interest community for the unit
28 owners.

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1 that a common interest community does not include a covenant
2 that requires the owners of separate parcels of real estate
3 to share certain costs or other obligations, unless all such
4 owners consent in writing to the creation of a common interest
5 community, and does not include community where all units are
6 owned by a single unit owner.

7 The bill defines cooperatives under Code chapter 499A and
8 horizontal property regimes under Code chapter 499B to be
9 common interest communities. The bill specifies that unless
10 otherwise provided by law new Code chapter 499C applies to
11 all common interest communities established within this state
12 having eight or more units. However, the bill provides that
13 for horizontal property regimes with seven or less apartments,
14 if the form of administration is a board of administration, the
15 board of administration must comply with the requirements of
16 new Code section 499C.401(2), regarding meeting requirements,
17 and new Code sections 499C.402 and 499C.403, relating to
18 records and notice.

19 The bill does not, except as specifically provided, allow
20 for the provisions of new Code chapter 499C to be varied by
21 agreement, and rights conferred by new Code chapter 499C may
22 not be waived.

23 The bill also provides that any portion of a declaration,
24 bylaws, covenant, or other contractual provision existing
25 prior to July 1, 2013, that violates or is inconsistent with
26 new Code chapter 499C is not enforceable. However, nothing in
27 new Code chapter 499C shall be construed to invalidate other
28 provisions of the declaration, bylaws, plats, or plans of those
29 common interest communities established before July 1, 2013.
30 The bill specifies that the provisions of new Code chapter
31 499C shall prevail over any conflicting provision of law under
32 which a common interest community or unit owners association
33 is organized.

34 The bill requires each unit owners association, as defined
35 in the bill, to have an executive board. The bill defines an

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1 executive board as the body, regardless of name, designated
2 in the declaration or bylaws to act on behalf of the unit
3 owners association. However, the bill provides that an
4 executive board shall not act on behalf of the unit owners
5 association to amend the declaration, to terminate the common
6 interest community, to elect members of the executive board, or
7 determine the qualifications, powers and duties, or terms of
8 office of executive board members. The bill provides, however,
9 that an executive board may fill vacancies in its membership
10 for the unexpired portion of any term.

11 The bill provides that a declaration (the instrument that
12 creates the common interest community) may provide for a period
13 of declarant control of the unit owners association, during
14 which a declarant (the person or group of persons who creates
15 the common interest community), or persons designated by the
16 declarant, may appoint and remove the officers and members of
17 the executive board. The bill specifies that for declarations
18 filed on or after July 1, 2013, a period of declarant control
19 shall be clearly defined in the declaration.

20 The bill establishes requirements relating to meetings of
21 unit owners associations, executive boards, and committees
22 of such entities including requirements for the contents
23 of meeting notices, allowable actions during meetings,
24 requirements relating to unit owner comments, and the manner
25 in which meetings may be conducted. The bill also specifies
26 the manner and the reasons for which certain meetings may be
27 called.

28 The bill enacts requirements relating to the retention of
29 records by unit owners associations and specifies the records
30 retained by a unit owners association that may be withheld from
31 inspection and copying.

32 The bill requires a unit owners association or executive
33 board, as applicable, to deliver each notice required to be
34 given by the association under new Code chapter 499C to the
35 regular mail address or electronic mail address provided by

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1 each unit owner. If a regular mail or electronic mail address
2 is not provided by the unit owner, the unit owners association
3 may deliver the notice by a different method specified in
4 the bill. The bill provides that the ineffectiveness of a
5 good-faith effort to deliver notice does not invalidate an
6 action taken at a meeting or an action taken by other means.
7 The bill provides that a declarant, unit owners association,
8 unit owner, or any other person subject to new Code chapter
9 499C may bring an action to enforce a right granted or
10 obligation imposed by the Code chapter, the declaration, or the
11 bylaws. In any such action, the court may award reasonable
12 attorney fees to the prevailing party.



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House File 123 - Introduced

HOUSE FILE 123

BY ISENHART, KAUFMANN, and
JACOBY

A BILL FOR

1 An Act providing for a product stewardship report by the
2 department of natural resources.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1192HH (2) 85
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1 Section 1. NEW SECTION. 455B.317 Product stewardship —
2 report.

3 1. By January 15 of each year, the department shall submit a
4 product stewardship report to the general assembly. The report
5 shall supply information identifying solid waste according
6 to product or product category. The report shall consider
7 latex paint, oil-based paint, aseptic packaging, waste tires,
8 florescent bulbs, and food waste. The report shall not include
9 consideration of motor vehicles or watercraft.

10 2. The department shall use the report described in
11 subsection 1 to recommend a strategy that most efficiently
12 manages solid waste as classified according to product
13 or product category. The strategy shall at least include
14 recommendations for all of the following:

15 a. Disposing of hazardous chemicals, toxic materials, or
16 harmful physical agents that pose a risk of an adverse impact
17 to the environment or public health and safety.

18 b. Increasing the recovery of materials for reuse or
19 recycling.

20 c. Reducing costs associated with solid waste management.

21 3. In preparing its report, the department shall consider
22 how other states have classified solid waste according to
23 products and product categories and how other states have
24 successfully collected and managed solid waste, including
25 recovering and recycling efforts. When preparing the report,
26 the department shall consult with landfill operators and
27 businesses engaged in recycling solid waste. The department
28 shall also invite participation from interested members of the
29 public.

30 4. As part of its report, the department shall recommend the
31 establishment of a product stewardship program that implements
32 or improves upon the strategy developed by the department under
33 this section, including by detailing any legislative proposals
34 required for implementation or explaining the adoption of
35 proposed rules under existing statutory authority.

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EXPLANATION

1
2 This bill requires the department of natural resources to
3 prepare and submit a product stewardship report to the general
4 assembly each year. The report shall supply information
5 identifying solid waste according to product or product
6 category. The department must use the report to recommend
7 a strategy that most efficiently manages solid waste as
8 classified according to product or product category. The
9 department must recommend the establishment of a product
10 stewardship program that implements or improves upon the
11 strategy developed by the department, including legislative
12 proposals or the adoption of proposed rules.



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House File 124 - Introduced

HOUSE FILE 124

BY PETTENGILL, HEARTSILL,
ALONS, HUSEMAN, SHEETS,
HEATON, HESS, and HAGENOW

A BILL FOR

1 An Act establishing a property tax exemption for a principal
2 residence owned by a totally disabled individual or certain
3 elderly individuals and including applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1334YH (6) 85
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1 Section 1. Section 427.1, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 39. *Disabled or elderly principal*
4 *residence.* A disabled or elderly principal residence shall be
5 exempt from taxation.

6 *a. "Disabled or elderly principal residence"* means a dwelling
7 owned and actually used as a home for a minimum of six months
8 during the most recent full calendar year by an individual
9 who is either completely disabled or an individual who is
10 sixty-five years of age or older and whose annual income is
11 seven thousand five hundred dollars or less. A disabled or
12 elderly principal residence shall also include so much of the
13 land surrounding the dwelling, including one or more contiguous
14 lots or tracts of land as is reasonably necessary for use of
15 the dwelling as a home not to exceed three acres, and may
16 consist of a part of a multidwelling or multipurpose building
17 and a part of the land upon which it is built. A disabled or
18 elderly principal residence does not include personal property
19 except that a manufactured or mobile home may be a disabled or
20 elderly principal residence. When a person is confined in a
21 nursing home, extended-care facility, or hospital, the person
22 shall be considered as occupying or living in the disabled or
23 elderly principal residence if the individual is the owner and
24 does not lease, rent, or otherwise receive profits from other
25 persons for the use of the residence claimed as a disabled or
26 elderly principal residence.

27 *b.* An application for this exemption shall be filed with the
28 assessor not later than February 1 of each year for which the
29 exemption is requested, on forms provided by the department of
30 revenue.

31 *c.* The application shall include all of the following, if
32 applicable:

33 (1) Proof of total disability of the claimant, if
34 applicable, on January 1 of the year in which the claim is
35 filed. Proof of total disability may be but is not limited to

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1 the written certification of such total disability by any two
2 physicians licensed to practice in this state. For purposes of
3 this subsection, "*totally disabled*" means as defined in section
4 425.17.

5 (2) Proof of age, if applicable.

6 (3) Evidence of income. For purposes of this subsection,
7 "*income*" means as defined in section 425.17.

8 (4) Legal description of the real estate for which the
9 claimant is seeking an exemption.

10 (5) Any additional information required by the director and
11 necessary to support a claim.

12 Sec. 2. IMPLEMENTATION OF ACT. The provisions in section
13 25B.7, relating to the obligation of the state to reimburse
14 local jurisdictions for property tax credits and exemptions, do
15 not apply to this Act.

16 Sec. 3. APPLICABILITY. This Act applies to assessment years
17 beginning on or after January 1, 2014.

18 EXPLANATION

19 This bill establishes a property tax exemption for disabled
20 or elderly principal residences. The bill defines "disabled
21 or elderly principal residence" as a dwelling owned and
22 actually used as a home for a minimum of six months during
23 the most recent full calendar year by an individual who
24 is either completely disabled or an individual who is 65
25 years of age or older and whose annual income is \$7,500 or
26 less. The bill also provides that a disabled or elderly
27 principal residence includes so much of the land surrounding
28 the dwelling, including one or more contiguous lots or tracts
29 of land as is reasonably necessary for use of the dwelling
30 as a home not to exceed three acres, and may consist of a
31 part of a multidwelling or multipurpose building and a part
32 of the land upon which it is built. A disabled or elderly
33 principal residence does not include personal property except
34 that a manufactured or mobile home may be a disabled and
35 elderly principal residence. The bill specifies that when a

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1 person is confined in a nursing home, extended-care facility,
2 or hospital, the person shall be considered as occupying or
3 living in the disabled or elderly principal residence if the
4 individual is the owner and does not lease, rent, or otherwise
5 receive profits from other persons for the use of the disabled
6 or elderly principal residence.

7 The bill requires applications for the exemption to be filed
8 with the assessor not later than February 1 of each year for
9 which the exemption is requested, on forms provided by the
10 department of revenue. The bill specifies what information is
11 required in each application for the exemption.

12 The bill provides that the provisions in Code section 25B.7,
13 relating to the obligation of the state to reimburse local
14 jurisdictions for property tax credits and exemptions, does not
15 apply to the exemption in the bill.

16 The bill applies to property tax assessment years beginning
17 on or after January 1, 2014.



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House File 125 - Introduced

HOUSE FILE 125

BY PETTENGILL, HEIN, HESS,
KOESTER, STANERSON, and
ALONS

A BILL FOR

1 An Act providing a sales tax exemption for textbooks used in
2 attending a postsecondary educational institution.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1347YH (3) 85
kh/sc



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H.F. 125

1 Section 1. Section 423.3, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 99. *a.* The sales price of new and
4 used textbooks if the textbooks are for use in attending a
5 postsecondary educational institution.

6 *b.* For purposes of this subsection:

7 (1) "*Textbooks*" means books and other instructional
8 materials and equipment used in attending a postsecondary
9 educational institution in this state, including books and
10 materials for extracurricular activities, which include
11 sporting events, musical or dramatic events, speech activities,
12 or programs of a similar nature. "*Textbooks*" does not include
13 instructional books and materials used in the teaching of
14 religious tenets, doctrines, or worship, the purpose of which
15 is to inculcate those tenets, doctrines, or worship.

16 (2) "*Postsecondary educational institution*" means an
17 accredited private institution, as defined in section 261.9, an
18 Iowa community college, or an institution of higher education
19 governed by the state board of regents.

20 *c.* Postsecondary educational institutions are required to
21 provide a list of required and suggested textbooks for all
22 courses and the corresponding international standard book
23 numbers for such textbooks at least fourteen days, or as soon
24 as practicable, before the start of each semester or term, at
25 the locations where textbooks are sold on campus and on the
26 internet site for the respective postsecondary educational
27 institution.

28 *d.* In order to receive the sales tax exemption, a person
29 is required to show a current official identification card
30 from a postsecondary educational institution and show that the
31 textbooks intended to be purchased are on the list of textbooks
32 provided by the postsecondary educational institution under
33 paragraph "*c*".

34 EXPLANATION

35 This bill provides a sales tax exemption for textbooks used

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1 in attending a public or accredited private Iowa postsecondary
2 educational institution. "Textbooks" are defined as books and
3 other instructional materials and equipment, including books
4 and materials for extracurricular activities, but does not
5 include instructional books and materials used for teaching
6 religious tenets, doctrines, or worship if the purpose is to
7 inculcate those tenets, doctrines, or worship.

8 Postsecondary educational institutions are required
9 to provide a list of textbooks for all courses and the
10 corresponding international standard book numbers for the
11 textbooks at least 14 days, or as soon as practicable, before
12 the start of each semester or term, where textbooks are sold on
13 campus and on the institution's internet site.

14 In order to receive the sales tax exemption, a person
15 must show a current official identification card from a
16 postsecondary educational institution and show that the
17 textbooks intended to be purchased are on the institution's
18 textbooks list.

19 By operation of Code section 423.6, an item exempt from the
20 imposition of the sales tax is also exempt from the use tax
21 imposed in Code section 423.5.



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House File 126 - Introduced

HOUSE FILE 126

BY ISENHART, KOESTER, HANSON,
and BYRNES

A BILL FOR

1 An Act relating to school guidance counselors and professional
2 service providers, including professional service and
3 secondary guidance counselor preparation and professional
4 development programs, related licensing and endorsement
5 requirements under the board of educational examiners, and
6 the provision of career and academic guidance counseling
7 services by school districts.
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 256.9, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 63. *a.* Collaborate with, at a minimum,
4 the board of educational examiners; the Iowa association of
5 community college trustees; the association of Iowa area
6 education agencies; the Iowa school counselor association; the
7 economic development authority; the department of workforce
8 development; the governor's science, technology, engineering,
9 and mathematics advisory council; and students recommended by
10 the Iowa jobs for America's graduates program; or successor
11 entities, to develop standards and procedures for the approval
12 of professional service and secondary guidance counselor
13 preparation and professional development programs that,
14 upon approval by the state board, accredited postsecondary
15 institutions which grant postgraduate degrees may offer to
16 persons seeking authorization under chapter 272 to serve as
17 secondary school guidance counselors or to provide professional
18 services in Iowa schools. A collaboration as specified in this
19 subsection shall include representation from any stakeholder
20 organization willing to assist the department in meeting the
21 requirements of this subsection.

22 *b.* Community colleges, the economic development authority,
23 and the department of workforce development shall consult
24 and coordinate with employment and workplace stakeholders in
25 assisting the director in developing standards and procedures
26 for the approval of programs pursuant to this subsection.

27 *c.* Accredited postsecondary institutions that offer programs
28 approved pursuant to this subsection shall coordinate with
29 community colleges to ensure that the professional development
30 programs approved under this subsection are offered throughout
31 the state at convenient times.

32 *d.* The requirements for coursework and programs approved
33 pursuant to this subsection shall include but not be limited
34 to the following:

35 (1) Provision of information regarding career exploration,

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1 planning, and development assistance; and opportunities
2 available to Iowa's students from targeted industries as
3 defined in section 15.102, subsection 11, as well as industries
4 requiring skilled workers with educational backgrounds in
5 science, technology, engineering, or mathematics.

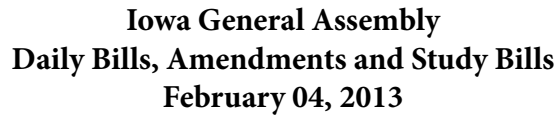
6 (2) Elements designed to encourage the involvement of
7 parents in career exploration and planning with their children.

8 (3) Elements designed to encourage the involvement of
9 elementary counselors in career exploration and planning with
10 their students.

11 (4) One semester credit or the equivalent issued by a
12 community college or other accredited postsecondary institution
13 in Iowa for coursework or professional development in career
14 exploration, career education, and career planning. If offered
15 by a community college, the coursework shall be offered at
16 the resident tuition rate set pursuant to section 260C.14,
17 subsection 2, to students enrolled in approved professional
18 service and guidance counselor preparation programs and to
19 persons renewing their professional service or secondary
20 guidance counselor licenses or endorsements pursuant to section
21 272.9B. If a community college fails to offer coursework
22 or professional development in career exploration, career
23 education, and career planning by July 1, 2014, the provisions
24 of section 272.9B shall not apply to an applicant described in
25 that section who resides within the boundaries of the community
26 college and who is employed by an Iowa school as a secondary
27 guidance counselor until July 1, 2015, or until twelve months
28 following the date upon which the coursework is made available
29 by the community college, whichever is later.

30 e. The director shall establish an application and review
31 process for approval of programs developed and implemented
32 pursuant to this subsection.

33 f. For purposes of this subsection, "*professional service*"
34 refers to preparation and professional development programs
35 for, and licensure and endorsement of, persons who are



1 authorized under chapter 272 to provide services in Iowa
2 schools as a school counselor.

3 *g.* This subsection shall not be construed to require that an
4 accredited postsecondary institution offering a major course of
5 study related to the relevant coursework offered in programs
6 approved pursuant to this subsection establish additional
7 credit requirements to graduate or achieve certification from
8 the institution in the related major course of study from the
9 institution. However, only coursework and programs that meet
10 the requirements established by the director in accordance with
11 this subsection shall be approved by the state board under
12 section 256.7, subsection 3.

15 Beginning July 1, 2015, except as provided in section
16 256.9, subsection 63, paragraph "d", the board shall require
17 applicants for professional service and secondary guidance
18 counselor licenses and endorsements, and for the renewal of
19 such licenses and endorsements, to have successfully completed
20 a professional service or secondary guidance counselor
21 preparation program or professional development program,
22 as appropriate, approved in accordance with section 256.9,
23 subsection 63.

26 NEW SUBSECTION. 3. Beginning July 1, 2016, except as
27 otherwise provided in section 256.9, subsection 63, paragraph
28 "d", career and academic guidance counseling services shall
29 be provided by the board of directors of a school district
30 to students enrolled in grades nine through twelve only by
31 persons issued professional service or secondary guidance
32 counselor licenses or endorsements pursuant to section 272.9B,
33 or who hold a license issued by the board and meet the renewal
34 requirements for a license pursuant to section 272.9B.

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1 This bill provides for the development, by the department of
2 education, of standards for professional service and secondary
3 guidance counselor preparation and professional development
4 programs, requires the board of educational examiners to
5 establish related licensing and endorsement requirements, and
6 requires, beginning July 1, 2016, that career and academic
7 guidance counseling services provided by school districts to
8 students enrolled in grades nine through 12 be provided only
9 by persons issued professional service or secondary guidance
10 counselor licenses or endorsements by the board of educational
11 examiners and by persons who meet the renewal requirements for
12 a license issued pursuant to the requirements established by
13 the bill.

14 The bill directs the director of the department of
15 education to collaborate with a number of entities to develop
16 requirements for professional service and secondary guidance
17 counselor preparation and professional development programs
18 that academic institutions which grant postgraduate degrees
19 may offer, upon approval by the state board of education, to
20 persons seeking authorization by the board of educational
21 examiners to serve as school counselors or as secondary school
22 guidance counselors.

23 The entities the director must collaborate with include
24 the board of educational examiners; the Iowa association of
25 community college trustees; the association of Iowa area
26 education agencies; the Iowa school counselor association; the
27 economic development authority; the department of workforce
28 development; the governor's science, technology, engineering,
29 and mathematics advisory council; and students recommended by
30 the Iowa jobs for America's graduates program; or successor
31 entities. Employment and workplace stakeholders must be
32 consulted in developing requirements for the programs.

33 Institutions that offer approved programs must coordinate
34 with community colleges to ensure that the professional
35 development programs are offered throughout the state at

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1 convenient times.

2 The requirements for coursework and programs must include
3 but not be limited to the provision of information regarding
4 career exploration, planning, and development assistance,
5 and opportunities available to Iowa's students from targeted
6 industries, as well as industries requiring skilled workers
7 with educational backgrounds in science, technology,
8 engineering, or mathematics; and one semester credit or
9 the equivalent issued by a community college for coursework
10 or professional development in career exploration, career
11 education, and career planning. The credit must be offered
12 by the community colleges at the resident tuition rate to
13 students enrolled in approved programs and to persons renewing
14 their professional service or secondary guidance counselor
15 licenses or endorsements. Each community college must offer
16 this coursework not later than July 1, 2014, unless there is
17 no demand for the coursework.

18 The bill affirms that accredited postsecondary institutions
19 are not required to offer the coursework and programs described
20 in the bill, but provides that only coursework and programs
21 that meet the requirements established by the director shall
22 be approved by the state board.

23 Beginning July 1, 2015, applicants for professional service
24 and secondary guidance counselor licenses and endorsements
25 shall have successfully completed an approved professional
26 service preparation program, an approved secondary guidance
27 counselor preparation program or, for those renewing such a
28 license or endorsement, an approved professional development
29 program, and shall have the credit issued by a community
30 college for coursework in career exploration, career education,
31 and career planning.

32 The bill allows an applicant additional time to meet the
33 requirement to have successfully completed a preparation
34 program in order to be licensed or employed as a school
35 counselor if their community college fails to offer the



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1 necessary coursework.



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House File 127 - Introduced

HOUSE FILE 127
BY LOFGREN and KAUFMANN

A BILL FOR

1 An Act prohibiting employers and schools from seeking access to
2 certain online personal employee and student information and
3 providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 735.1 Definitions.

2 As used in this chapter, unless the context otherwise
3 requires:

4 1. "Access information" means user name, password, login
5 information, or other security information that protects access
6 to a personal internet account.

7 2. "Educational institution" means a public or nonpublic
8 elementary, secondary, or postsecondary school in this state.

9 3. "Employer" means the state of Iowa or any political
10 subdivision, board, commission, department, or institution
11 thereof, and every other person employing employees within this
12 state. "Employer" includes an agent or representative of an
13 employer.

14 4. "Personal internet account" means an account created via
15 a bounded system established by an internet-based service that
16 requires a user to enter or store access information by means
17 of an electronic device to view, create, utilize, or edit the
18 user's account information, profile, display, communications,
19 or stored data.

20 Sec. 2. NEW SECTION. 735.2 Employer prohibitions.

21 An employer shall not do any of the following:

22 1. Request an employee or an applicant for employment to
23 grant access to, allow observation of, or disclose information
24 that allows access to or observation of the employee's or
25 applicant's personal internet account.

26 2. Discharge, discipline, fail to hire, or otherwise
27 penalize an employee or applicant for employment for failure to
28 grant access to, allow observation of, or disclose information
29 that allows access to or observation of the employee's or
30 applicant's personal internet account.

31 Sec. 3. NEW SECTION. 735.3 Actions not prohibited —
32 employers.

33 1. This chapter does not prohibit an employer from doing any
34 of the following:

35 a. Requesting or requiring an employee to disclose access

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1 information to the employer to gain access to or operate any
2 of the following:

3 (1) An electronic communications device paid for in whole or
4 in part by the employer.

5 (2) An account or service provided by the employer, obtained
6 by virtue of the employee's employment relationship with the
7 employer, or used for the employer's business purposes.

8 b. Disciplining or discharging an employee for transferring
9 the employer's proprietary or confidential information or
10 financial data to an employee's personal internet account
11 without the employer's authorization.

12 c. Conducting an investigation or requiring an employee
13 to cooperate in an investigation in any of the following
14 circumstances:

15 (1) If there is specific information about activity on
16 the employee's personal internet account relating to, and for
17 the purpose of ensuring compliance with, applicable laws,
18 regulatory requirements, or prohibitions against work-related
19 employee misconduct.

20 (2) If the employer has specific information about
21 an unauthorized transfer of the employer's proprietary
22 information, confidential information, or financial data to an
23 employee's personal internet account.

24 d. Restricting or prohibiting an employee's access to
25 certain internet sites while using an electronic communications
26 device paid for in whole or in part by the employer or while
27 using an employer's network or resources, in accordance with
28 state and federal law.

29 e. Monitoring, reviewing, or accessing electronic data
30 stored on an electronic communications device paid for in whole
31 or in part by the employer, or traveling through or stored on
32 an employer's network, in accordance with state and federal
33 law.

34 2. This chapter does not prohibit or restrict an employer
35 from complying with a duty to screen employees or applicants

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1 for employment prior to hiring or to monitor or retain employee
2 communications pursuant to state or federal law.

3 3. This chapter does not prohibit or restrict an employer
4 from viewing, accessing, or utilizing information about an
5 employee or applicant for employment that can be obtained
6 without any required access information or that is available in
7 the public domain.

8 Sec. 4. NEW SECTION. 735.4 Educational institution
9 prohibitions.

10 An educational institution shall not do any of the
11 following:

12 1. Request a student or prospective student to grant access
13 to, allow observation of, or disclose information that allows
14 access to or observation of the student's or prospective
15 student's personal internet account.

16 2. Expel, discipline, fail to admit, or otherwise penalize
17 a student or prospective student for failure to grant access
18 to, allow observation of, or disclose information that allows
19 access to or observation of the student's or prospective
20 student's personal internet account.

21 Sec. 5. NEW SECTION. 735.5 Actions not prohibited —
22 educational institutions.

23 1. This chapter does not prohibit an educational
24 institution from requesting or requiring a student to disclose
25 access information to the educational institution to gain
26 access to or operate any of the following:

27 a. An electronic communications device paid for in whole or
28 in part by the educational institution.

29 b. An account or service provided by the educational
30 institution that is either obtained by virtue of the student's
31 admission to the educational institution or used by the student
32 for educational purposes.

33 2. This chapter does not prohibit or restrict an educational
34 institution from viewing, accessing, or utilizing information
35 about a student or applicant that can be obtained without any

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1 required access information or that is available in the public
2 domain.

3 Sec. 6. NEW SECTION. 735.6 Duty or liability not created.

4 1. This chapter does not create a duty on the part of an
5 employer or educational institution to search or monitor the
6 activity of a personal internet account.

7 2. An employer or educational institution is not liable
8 under this chapter for failure to request or require that an
9 employee, student, applicant for employment, or prospective
10 student grant access to, allow observation of, or disclose
11 information that allows access to or observation of the
12 employee's, student's, applicant's, or prospective student's
13 personal internet account.

14 Sec. 7. NEW SECTION. 735.7 Penalties.

15 1. A person who violates section 735.2 or 735.4 is subject
16 to a civil penalty of not more than one thousand dollars
17 for each violation. The attorney general or the attorney
18 general's designee may maintain a civil action to enforce this
19 subsection. Any civil penalty recovered shall be deposited in
20 the general fund of the state.

21 2. An aggrieved individual may bring a civil action in
22 district court to enjoin a violation of section 735.2 or 735.4
23 and may recover not more than one thousand dollars in damages
24 in addition to reasonable attorney fees and court costs.

25 No later than sixty days before filing a civil action for
26 damages or sixty days before adding a claim for damages to an
27 action seeking injunctive relief, the individual shall make a
28 written demand of the alleged violator for not more than one
29 thousand dollars. The written demand shall include reasonable
30 documentation of the violation. The written demand and
31 documentation shall either be served in accordance with state
32 law applicable to the service of process in civil actions or
33 mailed by certified mail and addressed to the alleged violator
34 at their residence, principal office, or place of business.
35 A civil action under this subsection may be brought in the

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1 district court for the county where the alleged violation
2 occurred or for the county where the person against whom the
3 civil complaint is filed resides or has their principal place
4 of business.

5 3. It is an affirmative defense to a civil action under this
6 chapter that an employer or educational institution acted to
7 comply with the requirements of state or federal law.

8 EXPLANATION

9 This bill prohibits an employer from requesting an employee
10 or an applicant for employment to grant access to, allow
11 observation of, or disclose information that allows access
12 to or observation of the employee's or applicant's personal
13 internet account. The bill also prohibits an employer from
14 discharging, disciplining, failing to hire, or otherwise
15 penalizing an employee or applicant for employment for
16 failure to grant access to, allow observation of, or disclose
17 information that allows access to or observation of the
18 employee's or applicant's personal internet account.

19 The bill prohibits an educational institution from
20 requesting a student or prospective student to grant access
21 to, allow observation of, or disclose information that allows
22 access to or observation of the student's or prospective
23 student's personal internet account. The bill also prohibits
24 an educational institution from expelling, disciplining,
25 failing to admit, or otherwise penalizing a student or
26 prospective student for failure to grant access to, allow
27 observation of, or disclose information that allows access
28 to or observation of the student's or prospective student's
29 personal internet account.

30 The bill defines "employer" as the state of Iowa or
31 any political subdivision, board, commission, department,
32 or institution thereof, and every other person employing
33 employees within this state. "Employer" includes an agent or
34 representative of an employer. The bill defines "educational
35 institution" as a public or nonpublic elementary, secondary, or

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1 postsecondary school in this state. The bill defines "personal
2 internet account" as an account created via a bounded system
3 established by an internet-based service that requires a user
4 to enter or store access information by means of an electronic
5 device to view, create, utilize, or edit the user's account
6 information, profile, display, communications, or stored data.
7 The bill defines "access information" as user name, password,
8 login information, or other security information that protects
9 access to a personal internet account.

10 The bill sets out various actions which are not prohibited
11 by the bill, such as actions relating to devices or accounts
12 obtained through an employer or educational institution,
13 seeking information available in the public domain, and
14 investigating improper use of an employer's proprietary or
15 confidential information or financial data or other illegal
16 activity.

17 The bill does not create a duty on the part of an employer
18 or educational institution to search or monitor the activity
19 of a personal internet account. An employer or educational
20 institution is not liable under the bill for failure to request
21 or require that an employee, student, applicant for employment,
22 or prospective student grant access to, allow observation of,
23 or disclose information that allows access to or observation of
24 their personal internet account.

25 The bill provides that a person who violates the
26 prohibitions in the bill is subject to a civil penalty of not
27 more than \$1,000 for each violation. The attorney general or
28 the attorney general's designee may maintain a civil action to
29 enforce the penalty.

30 An aggrieved individual may bring a civil action in district
31 court to enjoin a violation of the prohibitions in the bill
32 and may recover not more than \$1,000 in damages in addition to
33 reasonable attorney fees and court costs. The bill sets out a
34 process for an aggrieved individual to serve notice and bring
35 such a civil action in district court.

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1 The bill establishes an affirmative defense to a civil
2 action under the bill for an employer or educational
3 institution acting in compliance with state or federal law.



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House File 128 - Introduced

HOUSE FILE 128
BY ISENHART, KELLEY,
WESSEL-KROESCHELL, LENSING,
STECKMAN, ANDERSON, and
MASCHER

A BILL FOR

1 An Act relating to permits for the drilling of a well for oil
2 or gas utilizing hydraulic fracturing and providing for the
3 establishment of fees.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TL5B 1188HH (6) 85
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1 Section 1. Section 458A.2, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 7A. "Hydraulic fracturing" or "fracking"
4 means the extraction of oil or gas pursuant to the propagation
5 of fractures in the earth's surface through the injection of a
6 pressurized fluid to increase extraction rates.

7 Sec. 2. Section 458A.5, Code 2013, is amended to read as
8 follows:

9 **458A.5 Drilling permit required.**

10 1. It is unlawful to commence operations for the drilling
11 of a well for oil or gas or the production of metallic minerals
12 or to commence operations to deepen any well to a different
13 geological formation without first giving the director notice
14 of intention to drill, and without first obtaining a permit
15 from the director, under rules prescribed by the department
16 and paying to the department a fee established by rule of the
17 department for the well. The fee shall be deposited in the
18 general fund of the state.

19 2. In addition to the permit fee established pursuant
20 to subsection 1, the commission shall adopt rules for a fee
21 schedule for costs associated with the adoption of rules
22 under section 458A.5A, the issuance of permits for drilling
23 as described in section 458A.5A, and the enforcement of rules
24 adopted pursuant to section 458A.5A. The rules shall include
25 requirements for a payment agreement with permit applicants and
26 quarterly payment schedules. Rules pursuant to this subsection
27 shall be adopted prior to the adoption of rules pursuant to
28 section 458A.5A.

29 Sec. 3. NEW SECTION. 458A.5A Hydraulic fracturing — rules.

30 1. The director shall not issue a permit pursuant to section
31 458A.5 for the drilling of a well for oil or gas utilizing
32 hydraulic fracturing unless rules have been adopted by the
33 commission as provided under subsection 2. However, the
34 commission shall adopt rules for purposes of this section only
35 upon request by a person intending to apply for a permit for

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1 drilling as described in this subsection. The commission shall
2 not adopt rules pursuant to this section using emergency rules
3 procedures under chapter 17A.

4 2. At a minimum, rules adopted by the commission shall
5 include all of the following:

6 a. An applicant shall identify all sites for proposed
7 drilling.

8 b. An applicant shall disclose all information required
9 as part of the hydraulic fracturing chemical registry of the
10 ground water protection council and the interstate oil and gas
11 compact commission.

12 c. An applicant shall disclose the total volume of fluid
13 used in the hydraulic fracturing treatment.

14 d. An applicant shall disclose each chemical ingredient
15 that is part of the hydraulic fracturing treatment and that is
16 subject to the requirements of 29 C.F.R. § 1910.1200(g)(2),
17 as provided by a service company, chemical supplier, or by
18 the applicant, if the applicant provides its own chemical
19 ingredients.

20 e. Prior to conducting hydraulic fracturing, an applicant
21 shall perform suitable mechanical integrity testing.

22 f. An applicant shall not drill in environmentally sensitive
23 areas.

24 g. An applicant shall use appropriate setbacks from
25 environmentally sensitive areas and from schools, residences,
26 water wells, and wildlife habitat to protect such areas.

27 h. An applicant must provide notice to landowners in close
28 proximity to a drilling location. The notice shall include all
29 information required by the department.

30 i. Prior to drilling, an applicant shall conduct baseline
31 water testing of groundwater and surface water in the area of
32 the drilling as required by the department.

33 j. An applicant must use well design and construction
34 standards that reflect current technological advancements.

35 k. An applicant must use closed loop systems, including the

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1 use of closed tanks, to impound flowback water.

2 1. An applicant shall not cause an immediate or prospective
3 adverse impact on water supply sources.

4 m. An applicant shall not cause an adverse impact on the
5 health or safety of an employee, including but not limited to
6 protecting against chemical exposure and exposure to airborne
7 particulates.

EXPLANATION

9 This bill relates to permits for the drilling of a well for
10 oil or gas utilizing hydraulic fracturing.

11 The bill prohibits the director of the department of natural
12 resources from issuing a drilling permit for the drilling of a
13 well for oil or gas utilizing hydraulic fracturing unless rules
14 have been adopted by the environmental protection commission
15 relating to the use of hydraulic fracturing in drilling.

16 The bill requires the commission to adopt hydraulic
17 fracturing rules only if a request for such rules is made by
18 a person intending to apply for a drilling permit. Emergency
19 rule procedures are prohibited.

20 The bill requires the commission to adopt a fee schedule
21 for costs associated with the adoption of rules related to
22 hydraulic fracturing, the issuance of permits for drilling
23 using hydraulic fracturing, and the enforcement of rules
24 adopted for hydraulic fracturing.



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House File 129 - Introduced

HOUSE FILE 129

BY THOMAS, MURPHY, STECKMAN,
RUNNING-MARQUARDT, HALL,
GASKILL, ABDUL-SAMAD,
OURTH, GAINES, HANSON,
JACOBY, LENSING, STUTSMAN,
KELLEY, MUHLBAUER, FORBES,
DUNKEL, RIDING, H. MILLER,
ANDERSON, KAJTAZOVIC,
WESSEL-KROESCHELL,
WINCKLER, LYKAM, COHOON, M.
SMITH, MASCHER, T. TAYLOR,
KRESSIG, WOLFE, STAED,
KEARNS, BEARINGER, and
HEDDENS

A BILL FOR

1 An Act relating to employee stock ownership plans by making
2 an appropriation to provide assistance, promotion, and
3 education to interested businesses and to obtain the
4 services of an expert in employee stock ownership plans.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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mm/sc



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1 Section 1. EMPLOYEE STOCK OWNERSHIP PLAN ASSISTANCE AND
2 PROMOTION.

3 1. There is appropriated from the general fund of the state
4 to the economic development authority for the fiscal year
5 beginning July 1, 2013, and ending June 30, 2014, the following
6 amount, or so much thereof as is necessary, to be used for the
7 purposes designated:

8 For providing financial assistance, including establishment
9 of a loan program, and technical assistance, marketing, and
10 education to businesses interested in establishing employee
11 stock ownership plans and for procuring the services of an
12 independent contractor with expertise in the formation of
13 employee stock ownership plans:

14 \$ 1,000,000

15 2. Notwithstanding section 8.33, moneys appropriated
16 pursuant to this section shall not revert but shall remain
17 available to the economic development authority for the
18 purposes designated until expended. Notwithstanding
19 section 12C.7, subsection 2, earnings or interest on moneys
20 appropriated pursuant to this section shall be retained by
21 the economic development authority and used for the purposes
22 designated until expended.

23 3. On or before January 15, 2015, the authority shall
24 provide to the general assembly and the governor's office a
25 report describing the expenditure of funds pursuant to this
26 section and evaluating the success of the assistance and
27 promotion program.

28 4. For purposes of this section, "employee stock ownership
29 plan" means an employee stock ownership plan, as defined in
30 Section 4975(e)(7) of the Internal Revenue Code, and trust
31 that are established by a corporation for the benefit of the
32 employees of the corporation.

33 EXPLANATION

34 This bill relates to employee stock ownership plans by
35 making an appropriation of \$1 million for FY 2014 to the

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1 economic development authority for the purpose of providing
2 financial assistance, including the establishment of a loan
3 program, and technical assistance, marketing, and education to
4 businesses regarding the formation of employee stock ownership
5 plans and for the purpose of hiring an independent contractor
6 with expertise in the formation of employee stock ownership
7 plans. The economic development authority is required to
8 provide a report detailing its use of the appropriation to the
9 general assembly and the governor by January 15, 2015.



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House File 130 - Introduced

HOUSE FILE 130

BY LOFGREN, KAUFMANN, BYRNES,
GRASSLEY, KRESSIG,
MUHLBAUER, WINDSCHITL,
ROGERS, HUNTER, HEDDENS,
MURPHY, L. MILLER, HAGENOW,
WORTHAN, DEYOE, RAYHONS,
KLEIN, HEATON, KELLEY,
J. SMITH, LANDON, JACOBY,
LYKAM, and COWNIE

A BILL FOR

1 An Act providing for the issuance of special hunting licenses
2 to certain nonresident disabled veterans and disabled
3 members of the armed forces serving on active federal
4 service.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 483A.24, subsections 3 and 4, Code 2013,
2 are amended to read as follows:

3 3. The director shall provide up to seventy-five
4 nonresident deer hunting licenses for allocation as provided
5 in this subsection.

6 a. Thirty-five of the nonresident deer hunting licenses
7 shall be allocated as requested by a majority of a committee
8 consisting of the majority leader of the senate, speaker of
9 the house of representatives, and director of the economic
10 development authority, or their designees. The licenses
11 provided pursuant to this subsection shall be in addition
12 to the number of nonresident licenses authorized pursuant
13 to section 483A.8. The purpose of the special nonresident
14 licenses is to allow state officials and local development
15 groups to promote the state and its natural resources to
16 nonresident guests and dignitaries. Photographs, videotapes,
17 or any other form of media resulting from the hunting
18 visitation shall not be used for political campaign purposes.
19 The nonresident licenses shall be issued without application
20 upon purchase of a nonresident hunting license that includes
21 the wildlife habitat fee and the purchase of a nonresident
22 deer hunting license. The licenses are valid in all zones
23 open to deer hunting. The hunter safety and ethics education
24 certificate requirement pursuant to section 483A.27 is waived
25 for a nonresident issued a license pursuant to this subsection.

26 b. Forty of the nonresident deer hunting licenses shall be
27 allocated as provided in subsection 4A.

28 4. The director shall provide up to ~~twenty-five~~
29 seventy-five nonresident wild turkey hunting licenses for
30 allocation as provided in this subsection.

31 a. Thirty-five of the nonresident wild turkey hunting
32 licenses shall be allocated as requested by a majority of a
33 committee consisting of the majority leader of the senate,
34 speaker of the house of representatives, and director of the
35 economic development authority, or their designees. The

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1 licenses provided pursuant to this subsection shall be in
2 addition to the number of nonresident licenses authorized
3 pursuant to section 483A.7. The purpose of the special
4 nonresident licenses is to allow state officials and local
5 development groups to promote the state and its natural
6 resources to nonresident guests and dignitaries. Photographs,
7 videotapes, or any other form of media resulting from the
8 hunting visitation shall not be used for political campaign
9 purposes. The nonresident licenses shall be issued without
10 application upon purchase of a nonresident hunting license
11 that includes the wildlife habitat fee and the purchase of a
12 nonresident wild turkey hunting license. The licenses are
13 valid in all zones open to wild turkey hunting. The hunter
14 safety and ethics education certificate requirement pursuant to
15 section 483A.27 is waived for a nonresident issued a license
16 pursuant to this subsection.

17 b. Forty of the nonresident wild turkey hunting licenses
18 shall be allocated as provided in subsection 4A.

19 Sec. 2. Section 483A.24, Code 2013, is amended by adding the
20 following new subsection:

21 NEW SUBSECTION. 4A. Forty of the nonresident deer
22 hunting licenses and wild turkey hunting licenses allocated
23 under subsections 3 and 4 shall be available for issuance
24 to nonresidents who have served in the armed forces of the
25 United States on active federal service and who were disabled
26 during the veteran's military service or who are serving in the
27 armed forces of the United States on active federal service
28 and have been disabled during military service to enable the
29 disabled person to participate in a hunt that is conducted by
30 an organization that conducts hunting experiences in this state
31 for disabled persons. The licenses shall be issued as follows:

32 a. The department shall prepare an application to be used by
33 a person requesting a special license under this subsection.

34 (1) The department shall verify that the license will be
35 used by the applicant in connection with a hunt conducted by an

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1 approved organization that conducts hunting experiences in this
2 state for disabled veterans and members of the armed forces
3 serving on active federal service who have been disabled during
4 military service. The department shall specify, by rules
5 adopted under chapter 17A, what requirements an organization
6 must meet in order to be approved to conduct hunts for disabled
7 persons who obtain licenses under this subsection.

8 (2) The department of veterans affairs shall assist the
9 department in verifying the status or claims of applicants
10 under this subsection. As used in this subsection, "*disabled*"
11 means entitled to a service connected rating under 38 U.S.C.
12 ch. 11 with a degree of disability of thirty percent or more.

13 b. A license issued under this subsection shall be in
14 addition to the number of nonresident wild turkey hunting
15 licenses authorized pursuant to section 483A.7 and nonresident
16 deer hunting licenses authorized pursuant to section 483A.8.
17 However, a nonresident who obtains a license pursuant to
18 this subsection is not eligible to obtain a nonresident deer
19 hunting license or wild turkey hunting license under any other
20 provision of law.

21 c. A disabled person who receives a special license under
22 this subsection shall purchase a hunting license that includes
23 the wildlife habitat fee, and a wild turkey hunting license or
24 a deer hunting license, if applicable, all for the same fees
25 that are charged to resident hunters. If hunting deer, the
26 disabled person shall also pay a one dollar fee that shall
27 be used and is appropriated for the purpose of deer herd
28 population management, including assisting with the cost of
29 processing deer donated to the help us stop hunger program
30 administered by the commission.

31 d. A special hunting license that includes the wildlife
32 habitat fee shall be available for issuance under this
33 subsection to a disabled veteran or disabled member of the
34 armed forces serving on active federal service for the same fee
35 that is charged to a resident hunter to enable such a disabled

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1 person to participate in a hunt conducted by an organization
2 approved under this subsection for which only a hunting license
3 is required.

4 *e.* A disabled person who receives a special license under
5 this subsection shall complete the hunter safety and ethics
6 education course.

7 *f.* A license issued under this subsection is valid for use
8 only on a hunt conducted by an organization approved under this
9 subsection.

10 *g.* The commission shall adopt rules under chapter 17A for
11 the administration of this subsection.

12 EXPLANATION

13 This bill requires the director of the department of
14 natural resources to issue special deer hunting licenses and
15 wild turkey hunting licenses to certain nonresident disabled
16 veterans and disabled persons currently on active federal
17 military service for use on hunts conducted by organizations
18 that conduct hunting experiences in the state for such persons.

19 The director is required to make available 40 of the 75
20 special nonresident deer hunting licenses that are currently
21 allocated by a committee to promote the state and its natural
22 resources to nonresident guests and dignitaries, for issuance
23 to nonresident disabled veterans and disabled persons currently
24 on active federal military service. The director is also
25 required to increase the number of special nonresident wild
26 turkey hunting licenses from 25 to 75, and to make 40 of those
27 licenses available for issuance to such persons.

28 The special licenses must be used in connection with a hunt
29 conducted by an approved organization that conducts hunting
30 experiences in the state for disabled veterans and disabled
31 persons currently on active federal military service. The
32 department is to adopt rules specifying what requirements an
33 organization must meet to be approved.

34 The special licenses are available to nonresident veterans
35 and persons currently on active federal military service who

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1 are entitled to a service connected rating under federal
2 law with a degree of disability of 30 percent or more. The
3 department of veterans affairs shall assist the department in
4 verifying the status of applicants for the licenses.

5 The special licenses are in addition to the number of
6 nonresident wild turkey and deer hunting licenses that are
7 otherwise authorized by law. A nonresident who obtains one
8 of the special licenses is not eligible to obtain another
9 nonresident wild turkey or deer hunting license under any other
10 provision of law.

11 A nonresident who purchases a special license must also
12 purchase a hunting license that includes the wildlife habitat
13 fee, all for the same fees as a resident hunter. A nonresident
14 who purchases a special deer hunting license must also pay the
15 \$1 fee for the purpose of deer herd population management,
16 including assisting with the cost of processing deer donated to
17 the help us stop hunger program.

18 A special hunting license that includes the wildlife habitat
19 fee is available to such disabled persons for the same fee that
20 is charged to a resident hunter to enable the disabled persons
21 to participate in a hunt conducted by an approved organization
22 for which only a hunting license is required.

23 A disabled person who receives one of the special licenses
24 must complete the hunter safety and ethics education course.



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House File 131 - Introduced

HOUSE FILE 131
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 57)

A BILL FOR

1 An Act authorizing charitable giving payroll deductions for
2 community college employees.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1598HV (2) 85
ec/sc



Iowa General Assembly
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H.F. 131

1 Section 1. Section 70A.15A, subsection 1, paragraph a, Code
2 2013, is amended to read as follows:

3 a. "*Applicable public employer*" means a board of directors
4 of a school district, a community college, a county board of
5 supervisors, or a governing body of a city.

6 EXPLANATION

7 This bill allows a community college to authorize deductions
8 from the salaries or wages of its employees for payment to an
9 eligible charitable organization in the same manner as cities,
10 counties, and school districts. Code section 70A.15A defines
11 an eligible charitable organization as certain not-for-profit
12 federations of health and human services, social welfare, or
13 environmental agencies or associations.



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House File 132 - Introduced

HOUSE FILE 132
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 7)

A BILL FOR

1 An Act relating to an application for the immediate return of
2 seized property.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1368HV (1) 85
rh/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
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H.F. 132

1 Section 1. Section 809.3, Code 2013, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 3A. The application shall be signed by the
4 claimant under penalty of perjury.

5 EXPLANATION

6 This bill relates to an application for the immediate return
7 of seized property under Code chapter 809.

8 Current law provides that any person claiming a right to
9 immediate possession of seized property may make an application
10 for the return of the seized property in the office of the
11 clerk of court for the county in which the property was seized.
12 The application must state the specific item or items sought,
13 the nature of the claimant's interest in the property, and the
14 grounds upon which the claimant seeks to have the property
15 immediately returned. "Seized property" means property taken
16 or held by any law enforcement agency without the consent of
17 the person, if any, who had possession or a right to possession
18 of the property at the time it was taken into custody.

19 The bill requires that the claimant sign the application
20 under penalty of perjury.



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House File 133 - Introduced

HOUSE FILE 133
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 10)

A BILL FOR

1 An Act relating to the discharge of a firearm near buildings or
2 feedlots by certified law enforcement officers for training
3 purposes, providing penalties, and including effective date
4 provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1519HV (2) 85
av/nh



Iowa General Assembly
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H.F. 133

1 Section 1. Section 481A.123, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 6. This section does not apply to the
4 discharge of a firearm for the purpose of developing and
5 retaining the shooting proficiency of certified law enforcement
6 officers on premises owned by the state, a county, or a
7 municipality, and operated by a law enforcement agency, which
8 are not open to the general public.

9 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
10 immediate importance, takes effect upon enactment.

11 EXPLANATION

12 This bill provides that the statutory prohibition against
13 discharging a firearm within 200 yards of a building inhabited
14 by people or domestic livestock or within 200 yards of a
15 feedlot without the owner's consent, does not apply to the
16 discharge of a firearm for the purpose of developing and
17 retaining the shooting proficiency of certified law enforcement
18 officers on certain premises. The premises must be owned by
19 the state, a county, or a municipality, operated by a law
20 enforcement agency, and not open to the general public.

21 A violation of the bill's provisions is punishable with a
22 scheduled fine of \$25.

23 The bill is effective upon enactment.



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House Joint Resolution 6 - Introduced

HOUSE JOINT RESOLUTION 6
BY MURPHY, HALL, MUHLBAUER,
THOMAS, ANDERSON, THEDE,
H. MILLER, KEARNS, WOLFE,
ABDUL-SAMAD, R. OLSON,
GASKILL, KELLEY, and
BEARINGER

HOUSE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution
2 of the State of Iowa relating to an individual's right to
3 keep and bear arms.
4 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1580YH (3) 85
rh/rj

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H.J.R. 6

1 Section 1. The following amendment to the Constitution of
2 the State of Iowa is proposed:

3 Article I of the Constitution of the State of Iowa is amended
4 by adding the following new section:

5 **Right to keep and bear arms.** SEC. 1A. The right of the
6 people to keep and bear arms, shall not be infringed.

7 Sec. 2. REFERRAL AND PUBLICATION. The foregoing proposed
8 amendment to the Constitution of the State of Iowa is referred
9 to the general assembly to be chosen at the next general
10 election for members of the general assembly and the secretary
11 of state is directed to cause the same to be published for
12 three consecutive months previous to the date of that election
13 as provided by law.

EXPLANATION

15 This joint resolution proposes an amendment to the
16 Constitution of the State of Iowa providing that the right of
17 the people to keep and bear arms shall not be infringed.
18 The joint resolution, if adopted, would be referred to the
19 next general assembly for adoption a second time before being
20 submitted to the electorate for ratification.



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House Resolution 8 - Introduced

HOUSE RESOLUTION NO. 8

BY UPMEYER, PAULSEN, SODERBERG, LOFGREN, ROGERS,
BERRY, KELLEY, LANDON, DRAKE, and MASCHER

1 A Resolution congratulating the Republic of China
2 (Taiwan) on its inclusion in the United States Visa
3 Waiver Program; supporting Taiwan's efforts to
4 secure entry into the Trans-Pacific Partnership; and
5 reaffirming support for Taiwan's participation in
6 the International Civil Aviation Organization, and
7 for strengthening sister-state ties between Iowa and
8 Taiwan.

9 WHEREAS, the Republic of China (Taiwan), marking
10 its centennial in 2011 and entering into its second
11 century in 2012 as the world's 19th-largest economy,
12 has achieved economic and social stability, has been
13 lauded in the last two decades as a beacon of democracy
14 for Asia, has dramatically improved its record on human
15 rights, and has taken great steps forward to enter the
16 world arena as a trusted partner; and

17 WHEREAS, Taiwan gained membership in the United
18 States Visa Waiver Program, and is the 37th country
19 to receive visa-free travel privileges to the United
20 States and only the 5th Asian country with visa-free
21 status, behind Japan, South Korea, Singapore, and
22 Brunei; and as a result, more Taiwanese will travel to
23 the United States for business and tourism, increasing
24 the spending of tourist dollars and facilitating
25 business, trade, and investment in the United States,
26 thus contributing to the national and local economies
27 and strengthening bilateral ties with the individual

LSB 1572HH (5) 85

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1 states, including Iowa; and

2 WHEREAS, Taiwan in 2011 ranks as the United States'
3 10th-largest trading partner in the world, serving as
4 the United States' 15th-largest export market overall,
5 and the 6th-largest market for U.S. agricultural goods,
6 as well as the 14th-largest market for Iowa goods,
7 worth \$125.1 million in 2011, an increase of 18 percent
8 above Iowa's exports to Taiwan in 2010; and

9 WHEREAS, Taiwan's imports of goods continue to
10 contribute to Iowa's economy since the September 2011
11 visit of the Taiwan Agricultural Goodwill Mission to
12 the United States, which included a delegation visit
13 to Des Moines and signing of Letters of Intent for
14 Iowa-grown corn and soybeans through 2013; and

15 WHEREAS, Taiwan, seeking greater regional
16 integration in the Asia-Pacific region and promotion
17 of bilateral investment and trade relations with the
18 United States, welcomes the opportunity presented
19 by the United States' announcement at the 2011
20 Asia-Pacific Economic Cooperation leaders meeting
21 of the United States' intent to not only join the
22 Trans-Pacific Partnership, the proposed 21st-century
23 trade agreement between the United States and eight
24 other Asia-Pacific Rim countries, but to expand the
25 membership in the future to include other countries,
26 such as Taiwan; and

27 WHEREAS, aviation safety has become a major global
28 concern since 2001, and even though Taiwan is a key
29 air transport hub in the Asia-Pacific region, with
30 more than one million flights passing through the

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1 Taipei Flight Information Region, and with one of
2 the world's largest airport cargo volumes passing
3 through the Taoyuan International Airport, yet Taiwan
4 is not a member of the International Civil Aviation
5 Organization; NOW THEREFORE,

6 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That
7 the House of Representatives congratulates the Republic
8 of China (Taiwan) on gaining inclusion in the United
9 States Visa Waiver Program; supports Taiwan's efforts
10 to secure entry into the Trans-Pacific Partnership,
11 along with the United States and other friendly
12 Asia-Pacific Rim countries, and to promote bilateral
13 investment and trade relations with the United States;
14 reaffirms its support for the participation of Taiwan
15 in the International Civil Aviation Organization;
16 and supports strengthening Taiwan-Iowa sister-state
17 relations, friendship, and exchanges; and

18 BE IT FURTHER RESOLVED, That the Chief Clerk of the
19 House of Representatives is hereby directed to send a
20 copy of this Resolution to United States Secretary of
21 State John Kerry; Secretary General Raymond Benjamin
22 of the International Civil Aviation Organization;
23 President Ma Ying-jeou of the Republic of China
24 (Taiwan); and the Taipei Economic and Cultural Office
25 in Chicago, Illinois.

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Iowa General Assembly
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House Study Bill 100 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON BALTIMORE)

A BILL FOR

1 An Act relating to the boards of directors of public
2 corporations.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1957YC (1) 85
da/nh



Iowa General Assembly
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H.F. _____

1 Section 1. REPEAL. 2011 Iowa Acts, chapter 2, section 9,
2 is repealed.

3 EXPLANATION

4 BACKGROUND. In 2011, the 84th General Assembly enacted
5 S.F. 325 which provides for the management of a public
6 corporation, formed under the Iowa business corporation Act,
7 by its board of directors (Code chapter 490). The Act defines
8 a public corporation (Code section 490.140), and requires
9 that a public corporation divide its directors into three
10 equal groups, referred to as "classes", elected by the public
11 corporation's holders of common shares, with each class serving
12 staggered three-year terms (Code section 490.806A). The Act
13 also excuses certain public corporations from the staggered
14 term requirement. Finally, the Act requires that the board
15 of directors of an unexcused public corporation amend its
16 articles of incorporation to comply with the Act's staggered
17 term requirement (Code section 490.1005A). The Act does not
18 prohibit a public or private corporation from including a
19 provision in its articles of incorporation requiring staggered
20 terms for its directors as generally allowed under the Code
21 chapter (Code section 490.806). The Act is repealed on
22 December 31, 2014. The Act's future repeal date provides
23 for the continued applicability of the public corporation's
24 articles of incorporation as amended.

25 BILL'S REPEAL OF ACT'S REPEAL. The bill repeals the Act's
26 future repeal effective July 1, 2013.



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House Study Bill 101 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
REVENUE BILL)

A BILL FOR

1 An Act relating to the administration of the streamlined sales
2 and use tax agreement by the department of revenue.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1260XD (2) 85
mm/sc



Iowa General Assembly
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S.F. _____ H.F. _____

1 Section 1. Section 423.3, subsection 57, paragraph d, Code
2 2013, is amended to read as follows:

3 *d. "Food and food ingredients" means substances, whether*
4 *in liquid, concentrated, solid, frozen, dried, or dehydrated*
5 *form, that are sold for ingestion or chewing by humans and are*
6 *consumed for their taste or nutritional value. "Food and food*
7 *ingredients" includes beverage-grade carbon dioxide gas.*

8 EXPLANATION

9 This bill relates to the administration of the sales and use
10 taxes under the streamlined sales and use tax agreement.

11 Iowa is a member of the streamlined sales and use tax
12 agreement, which is an effort to administer state sales and
13 use taxes in all participating states according to the same
14 simplified system. Under the agreement, Iowa must periodically
15 make changes in the administration of the sales and use
16 taxes in order to remain in compliance. The governing board
17 of the streamlined sales and use tax agreement considers
18 beverage-grade carbon dioxide gas to be a "food and food
19 ingredient".

20 This bill amends the definition of "food and food
21 ingredients" to include beverage-grade carbon dioxide gas.



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House Study Bill 99 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON COMMERCE BILL BY
CHAIRPERSON COWNIE)

A BILL FOR

1 An Act relating to insurance coverage for dental care services.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1909YC (2) 85
av/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
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H.F. _____

1 Section 1. NEW SECTION. **514C.3C Dental coverage —**
2 **assignment of health insurance benefits.**

3 A person who is the owner of any rights or benefits under a
4 policy or contract of insurance which provides for coverage of
5 dental care services shall be permitted to assign all or any
6 part of that person's rights and privileges under the policy or
7 contract, including but not limited to the right to designate
8 a beneficiary and to have an individual policy or contract
9 issued in accordance with the terms of the policy or contract.
10 Such assignment shall be without prejudice to the insurer on
11 account of any payment the insurer makes or individual policy
12 or contract the insurer issues before receiving notice of the
13 assignment, provided that the insurer was acting in good faith.
14 If written proof of an assignment of benefits is presented to
15 an insurer, health maintenance organization, managed care plan,
16 health care plan, preferred provider organization, or other
17 third-party payor, then payment shall be made directly to the
18 health care professional or health care facility providing the
19 dental services. Nothing in this section shall be construed to
20 prevent any persons from reconciling duplicate payments.

21 Sec. 2. NEW SECTION. **514C.3D Uniform coordination of**
22 **benefits.**

23 A policy or contract of insurance which provides for
24 coverage of dental care services shall provide for coordination
25 of benefits in a manner so that the policy or contract pays the
26 same amount for the dental care services provided regardless
27 of the existence of other coverage for the dental care
28 services, so long as the total amount paid does not exceed one
29 hundred percent of the amount of the applicable claim. Such
30 coordination of benefits shall be effected consistent with
31 rules adopted by the commissioner of insurance under chapter
32 17A, based upon similar model rules developed by the national
33 association of insurance commissioners.

34 Sec. 3. Section 514J.103, subsection 1, Code 2013, is
35 amended to read as follows:

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av/nh

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H.F. _____

1 1. Except as provided in subsection 2, this chapter shall
2 apply to all health carriers, including health carriers issuing
3 a policy or certificate that provides coverage for dental care.

4 Sec. 4. Section 514J.103, subsection 2, paragraph a, Code
5 2013, is amended to read as follows:

6 a. A policy or certificate that provides coverage only for a
7 specified disease, specified accident or accident-only, credit,
8 disability income, hospital indemnity, long-term care, ~~dental~~
9 ~~care~~, vision care, or any other limited supplemental benefit.

10 EXPLANATION

11 This bill relates to insurance coverage for dental care
12 services.

13 New Code section 514C.3C provides that a person who owns
14 rights or benefits under a policy or contract of insurance
15 which provides for coverage of dental care services must be
16 allowed to assign any or part of that person's rights and
17 privileges under the policy or contract, including the right
18 to designate a beneficiary and to have an individual policy or
19 contract issued. The assignment is without prejudice to an
20 insurer that makes a payment in good faith under the policy
21 or contract before receiving notice of the assignment. If
22 written proof of the assignment of benefits is presented to an
23 insurer, health maintenance organization, managed care plan,
24 health care plan, preferred provider organization, or other
25 third-party payor, the payment for coverage of dental care
26 services shall be made directly to the health care provider
27 providing the services. The section shall not be construed to
28 prevent reconciliation of duplicate payments.

29 New Code section 514C.3D provides that a policy or contract
30 of insurance which provides for coverage of dental care
31 services shall provide for coordination of benefits in a
32 manner so that the policy or contract pays the same amount
33 for the dental care services provided regardless of whether
34 there is other coverage for the services, so long as the total
35 amount paid does not exceed 100 percent of the amount of the

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2/3



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1 claim. The commissioner of insurance shall adopt rules to
2 provide for such coordination of benefits, based on similar
3 model rules developed by the national association of insurance
4 commissioners.

5 Code section 514J.103 is amended to provide that decisions
6 of health carriers issuing a policy or certificate that
7 provides coverage for dental care are subject to the external
8 review provisions of Code chapter 514J, and the chapter is also
9 applicable to a policy or certificate that provides coverage
10 only for dental care.



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Senate File 106

S-3004

1 Amend Senate File 106 as follows:
2 1. Page 3, after line 33 by inserting:
3 <DIVISION _____
4 PROPERTY ASSESSMENT APPEAL BOARD
5 Sec. _____. Section 421.1A, subsection 6, Code 2013,
6 is amended to read as follows:
7 6. The members of the property assessment appeal
8 board shall receive compensation from the state
9 commensurate with the salary of a district judge
10 ~~through December 31, 2013.~~ The members of the board
11 shall be considered state employees for purposes of
12 salary and benefits. The members of the board and
13 any employees of the board, when required to travel
14 in the discharge of official duties, shall be paid
15 their actual and necessary expenses incurred in the
16 performance of duties.
17 Sec. _____. Section 421.1A, subsection 7, Code 2013,
18 is amended by striking the subsection.
19 Sec. _____. REPEAL. 2005 Iowa Acts, chapter 150,
20 section 134, is repealed.
21 Sec. _____. EFFECTIVE UPON ENACTMENT. This division
22 of this Act, being deemed of immediate importance,
23 takes effect upon enactment.>
24 2. Title page, line 1, after <Act> by inserting
25 <relating to taxation by>
26 3. Title page, line 4, after <tax,> by inserting
27 <extending the property assessment appeal board,>
28 4. By renumbering as necessary.

RANDY FEENSTRA

SF106.38 (2) 85

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mm/sc

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Iowa General Assembly
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Senate File 121

S-3005

- 1 Amend Senate File 121 as follows:
- 2 1. Page 1, line 33, before <exceeds> by inserting
- 3 <that>

JEFF DANIELSON



Iowa General Assembly
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February 04, 2013

Senate File 114 - Introduced

SENATE FILE 114
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 1021)

A BILL FOR

1 An Act relating to the filing of a certificate of deposit
2 by the owner of a motor vehicle as proof of financial
3 responsibility.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1105SV (1) 85
dea/nh



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S.F. 114

1 Section 1. Section 321.1, subsection 24B, paragraph c, Code
2 2013, is amended to read as follows:

3 ~~c. A valid statement issued by the treasurer of state~~
4 ~~pursuant to certificate of deposit filed with the department~~
5 ~~as provided in section 321A.25 attesting to the filing of a~~
6 ~~certificate of deposit with the treasurer of state.~~

7 Sec. 2. Section 321A.18, subsection 3, Code 2013, is amended
8 to read as follows:

9 ~~3. A statement issued by the treasurer of state attesting to~~
10 ~~the filing of a certificate of deposit with the treasurer of~~
11 ~~state as provided in section 321A.25.~~

12 Sec. 3. Section 321A.25, Code 2013, is amended to read as
13 follows:

14 **321A.25 Certificate of deposit as proof.**

15 1. Proof of financial responsibility may be evidenced
16 ~~by the statement of the treasurer of state that the person~~
17 ~~named in the statement has filed filing with the treasurer~~
18 ~~of state department~~ fifty-five thousand dollars in the form
19 of an ~~endorsed~~ a certificate of deposit made payable jointly
20 to the ~~person and the treasurer of state department.~~ The
21 certificate of deposit shall be obtained from an Iowa financial
22 institution in the amount of fifty-five thousand dollars plus
23 any early withdrawal penalty fee. ~~The treasurer of state~~
24 ~~shall promptly notify the director of transportation of the~~
25 ~~name and address of the person to whom the statement has been~~
26 ~~issued.~~ Upon receipt of the notification certificate of
27 deposit, the ~~director of transportation department~~ shall issue
28 to the person a security insurance card for each motor vehicle
29 registered in this state by the person. The security insurance
30 card shall state the name and address of the person and the
31 registration number of the motor vehicle for which the card is
32 issued. ~~The treasurer of state shall not accept a certificate~~
33 ~~of deposit and issue a statement for it and the department~~
34 shall not accept ~~the statement~~ a certificate of deposit unless
35 accompanied by evidence that there are no unsatisfied judgments

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1 of any character against the person in the county where the
2 person resides.

3 2. Such certificate of deposit shall be held by the
4 ~~treasurer of state~~ department to satisfy, in accordance with
5 this chapter, any execution on a judgment issued against
6 the person filing the certificate of deposit, for damages,
7 including damages for care and loss of services, because of
8 bodily injury to or death of any person, or for damages because
9 of injury to or destruction of property, including the loss of
10 use of property, resulting from the ownership, maintenance,
11 use, or operation of a motor vehicle after the certificate of
12 deposit was filed. A certificate of deposit so filed shall not
13 be subject to attachment or execution unless the attachment
14 or execution arises out of a suit for damages as previously
15 provided in this subsection.

16 Sec. 4. Section 321A.27, Code 2013, is amended to read as
17 follows:

18 **321A.27 Substitution of proof.**

19 The department shall consent to the cancellation of a bond
20 or certificate of insurance or the department shall ~~direct and~~
21 ~~the treasurer of state shall~~ return a certificate of deposit
22 to the person entitled to the certificate of deposit upon
23 the substitution and acceptance of other adequate proof of
24 financial responsibility pursuant to this chapter.

25 Sec. 5. Section 321A.29, subsection 1, unnumbered paragraph
26 1, Code 2013, is amended to read as follows:

27 The department shall upon request consent to the immediate
28 cancellation of a bond or certificate of insurance, or the
29 department shall ~~direct and the treasurer of state shall~~ return
30 to the person entitled thereto a certificate of deposit filed
31 pursuant to this chapter as proof of financial responsibility,
32 or the department shall waive the requirement of filing proof,
33 in any of the following events:

34 Sec. 6. Section 321A.29, subsection 2, Code 2013, is amended
35 to read as follows:

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1 2. The department shall not consent to the cancellation
2 of a bond or ~~the~~ return of a certificate of deposit in the
3 event an action for damages upon a liability covered by such
4 proof is then pending or a judgment upon any such liability is
5 unsatisfied, or in the event the person who has filed such bond
6 or such certificate of deposit has within one year immediately
7 preceding such request been involved as an operator or owner in
8 any motor vehicle accident resulting in injury or damage to the
9 person or property of others. An affidavit of the applicant as
10 to the nonexistence of such facts, or that the applicant has
11 been released from all of the applicant's liability, or has
12 been finally adjudicated not to be liable, for such injury or
13 damage, shall be sufficient evidence thereof in the absence of
14 evidence to the contrary in the records of the department.

15 EXPLANATION

16 Under current law, a person who is required to file proof of
17 financial responsibility in order to operate a motor vehicle
18 may do so by filing \$55,000 with the treasurer of state in
19 the form of a certificate of deposit made payable jointly to
20 the person and the treasurer of state. This bill amends Code
21 section 321A.25 to provide that the certificate of deposit
22 is to be made payable to the department of transportation
23 and filed directly with the department, rather than with the
24 treasurer of state. The bill makes conforming amendments
25 to the definition of "financial liability coverage" in Code
26 section 321.1, the list of alternate methods of filing proof of
27 financial responsibility contained in Code section 321A.18, and
28 related provisions in Code sections 321A.27 and 321A.29.



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Senate File 115 - Introduced

SENATE FILE 115
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 1019)

A BILL FOR

1 An Act relating to intermediate driver's licenses and special
2 minor's licenses, making a penalty applicable, and including
3 effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 321.180B, subsection 2, Code 2013, is
2 amended to read as follows:
3 2. *Intermediate license.*
4 a. The department may issue an intermediate driver's license
5 to a person sixteen or seventeen years of age who possesses an
6 instruction permit issued under subsection 1 or a comparable
7 instruction permit issued by another state for a minimum of
8 ~~six~~ twelve months immediately preceding application, and
9 who presents an affidavit signed by a parent, guardian, or
10 custodian on a form to be provided by the department that the
11 permittee has accumulated a total of twenty hours of street
12 or highway driving of which two hours were conducted after
13 sunset and before sunrise and the street or highway driving was
14 with the permittee's parent, guardian, custodian, instructor,
15 a person certified by the department, or a person at least
16 twenty-five years of age who had written permission from a
17 parent, guardian, or custodian to accompany the permittee, and
18 whose driving privileges have not been suspended, revoked,
19 or barred under this chapter or chapter 321J during, and who
20 has been accident and violation free continuously for, the
21 six-month period immediately preceding the application for an
22 intermediate license. An applicant for an intermediate license
23 must meet the requirements of section 321.186, including
24 satisfactory completion of driver education as required in
25 section 321.178, and payment of the required license fee before
26 an intermediate license will be issued. A person issued an
27 intermediate license must limit the number of passengers in
28 the motor vehicle when the intermediate licensee is operating
29 the motor vehicle to the number of passenger safety belts. In
30 addition, for the first six months following issuance of the
31 license, a person issued an intermediate license must limit the
32 number of unrelated minor passengers in the motor vehicle when
33 the intermediate licensee is operating the motor vehicle to
34 one, except when the intermediate licensee is accompanied in
35 accordance with subsection 1. For purposes of this subsection,

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1 "unrelated minor passenger" means a passenger who is under
2 eighteen years of age and who is not a sibling of the driver, a
3 stepsibling of the driver, or a child who resides in the same
4 household as the driver.

5 **b.** Except as otherwise provided, a person issued an
6 intermediate license under this subsection who is operating a
7 motor vehicle between the hours of 12:30 a.m. and 5:00 a.m.
8 must be accompanied by a person issued a driver's license
9 valid for the vehicle operated who is the parent, guardian, or
10 custodian of the permittee intermediate licensee, a member of
11 the permittee's intermediate licensee's immediate family if the
12 family member is at least twenty-one years of age, an approved
13 driver education instructor, a prospective driver education
14 instructor who is enrolled in a practitioner preparation
15 program with a safety education program approved by the state
16 board of education, or a person at least twenty-five years of
17 age if written permission is granted by the parent, guardian,
18 or custodian, and who is actually occupying a seat beside the
19 driver. However, a licensee may operate a vehicle to and from
20 school-related extracurricular activities and work without an
21 accompanying driver between the hours of 12:30 a.m. and 5:00
22 a.m. if such the licensee possesses a waiver on a form to be
23 provided by the department. An accompanying driver is not
24 required between the hours of 5:00 a.m. and 12:30 a.m.

25 Sec. 2. Section 321.194, subsection 1, Code 2013, is amended
26 by adding the following new paragraph:

27 NEW PARAGRAPH. *0b.* Unless accompanied in accordance with
28 section 321.180B, subsection 1, a person issued a driver's
29 license pursuant to this section must limit the number of
30 unrelated minor passengers in the motor vehicle when the
31 licensee is operating the motor vehicle to one. For purposes
32 of this section, *"unrelated minor passenger"* means a passenger
33 who is under eighteen years of age and who is not a sibling of
34 the driver, a stepsibling of the driver, or a child who resides
35 in the same household as the driver.

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1 Sec. 3. EFFECTIVE DATE. This Act takes effect January 1,
2 2014.

EXPLANATION

4 This bill amends provisions relating to intermediate
5 driver's licenses under the graduated driver licensing program
6 and to special minor's licenses issued for travel to and from
7 school.

8 Under the graduated driver licensing program, a person who
9 is 16 or 17 years of age must possess an instruction permit for
10 a minimum of six months to qualify for an intermediate license.
11 During that period, the permittee must accumulate a total of
12 20 hours of street or highway driving while accompanied by
13 the permittee's parent, guardian, custodian, or instructor,
14 a person certified by the department of transportation, or a
15 person at least 25 years of age with written permission from a
16 parent, guardian, or custodian to accompany the permittee. The
17 hours of accompanied driving must include two hours conducted
18 after sunset and before sunrise. The bill increases the
19 required period of possession of an instruction permit to 12
20 months, with no change in the required hours of accompanied
21 driving.

22 Under current law, an intermediate licensee may transport
23 only as many passengers as there are seatbelts in the vehicle,
24 but there is no passenger restriction specified for a driver
25 with a special minor's license. The bill imposes a new
26 passenger restriction for licensees in both categories.
27 Unless accompanied by a person licensed to drive the vehicle
28 operated who is the parent, guardian, or custodian of the
29 intermediate licensee, a family member who is at least 21 years
30 of age, an approved driver education instructor, a prospective
31 driver education instructor who is enrolled in a qualifying
32 practitioner preparation program, or a person at least 25 years
33 of age with the written permission of the parent, guardian, or
34 custodian of the intermediate licensee and who is occupying a
35 seat beside the driver, a person with an intermediate license

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1 or a special minor's license may not operate a motor vehicle
2 with more than one unrelated minor passenger in the vehicle.
3 The restriction on unrelated minor passengers is lifted for
4 an intermediate licensee after six months. The bill defines
5 "unrelated minor passenger" as a passenger under 18 years of
6 age who is not a sibling or stepsibling of the driver or a child
7 who resides in the same household as the driver.
8 A violation of intermediate driver's license restrictions or
9 special minor's license restrictions is a simple misdemeanor
10 punishable by a scheduled fine of \$50.
11 The bill takes effect January 1, 2014.



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Senate File 122 - Introduced

SENATE FILE 122
BY GRONSTAL

A BILL FOR

1 An Act relating to the targeted jobs withholding credit pilot
2 project and including applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1661XS (2) 85
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S.F. 122

1 Section 1. Section 403.19A, subsection 1, paragraphs c and
2 f, Code 2013, are amended to read as follows:

3 c. "Employer" means a business creating or retaining
4 targeted jobs in ~~an urban renewal area of~~ a pilot project city
5 pursuant to a withholding agreement.

6 f. "Targeted job" means a job in a business which is or
7 will be located in ~~an urban renewal area of~~ a pilot project
8 city that pays a wage at least equal to the countywide average
9 wage. "Targeted job" includes new or retained jobs from Iowa
10 business expansions or retentions within the city limits of the
11 pilot project city and those jobs resulting from established
12 out-of-state businesses, as defined by the economic development
13 authority, moving to or expanding in Iowa.

14 Sec. 2. Section 403.19A, subsection 3, paragraphs a and b,
15 Code 2013, are amended to read as follows:

16 a. A pilot project city may provide by ordinance resolution
17 for the deposit into a designated ~~account in the special~~
18 withholding project fund described in section 403.19,
19 ~~subsection 2,~~ of the targeted jobs withholding credit described
20 in this section. The targeted jobs withholding credit shall
21 be based upon the wages paid to employees pursuant to a
22 withholding agreement.

23 b. An amount equal to three percent of the gross wages paid
24 by an employer to each employee under a withholding agreement
25 shall be credited from the payment made by the employer
26 pursuant to section 422.16. If the amount of the withholding
27 by the employer is less than three percent of the gross wages
28 paid to the employees covered by the withholding agreement,
29 the employer shall receive a credit against other withholding
30 taxes due by the employer or may carry the credit forward for
31 up to ten years or until depleted, whichever is the earlier.
32 The employer shall remit the amount of the credit quarterly,
33 in the same manner as withholding payments are reported to
34 the department of revenue, to the pilot project city to be
35 allocated to and when collected paid into a designated ~~account~~

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1 ~~in the special withholding project fund for the urban renewal~~
2 ~~area in which the targeted jobs are located project.~~ All
3 amounts so deposited shall be used or pledged by the pilot
4 project city for ~~an urban renewal~~ a project related to the
5 employer pursuant to the withholding agreement.

6 Sec. 3. Section 403.19A, subsection 3, paragraph c,
7 subparagraphs (1), (2), and (3), Code 2013, are amended to read
8 as follows:

9 (1) The pilot project city shall enter into a withholding
10 agreement with each employer concerning the targeted jobs
11 withholding credit. The withholding agreement shall provide
12 for the total amount of withholding credits awarded. An
13 agreement shall not provide for an amount of withholding
14 credits that exceeds the amount of the qualifying investment
15 made in the project. An agreement shall not be entered into by
16 a pilot project city with a business currently located in this
17 state unless the business either creates or retains ten new
18 jobs or makes a qualifying investment of at least five hundred
19 thousand dollars within the ~~urban renewal area~~ pilot project
20 city. The withholding agreement may have a term of up to ten
21 years. An employer shall not be obligated to enter into a
22 withholding agreement. An agreement shall not be entered into
23 with an employer not already located in a pilot project city
24 when another Iowa community is competing for the same project
25 and both the pilot project city and the other Iowa community
26 are seeking assistance from the authority.

27 (2) The pilot project city shall not enter into a
28 withholding agreement after June 30, ~~2013~~ 2018.

29 (3) The pilot project city shall provide on an annual basis
30 to the economic development authority information documenting
31 the total amount of payments and receipts under a withholding
32 agreement, including all agreements with an employer to
33 suspend, abate, exempt, rebate, refund, or reimburse property
34 taxes, to provide a grant for property taxes paid or a grant
35 not related to property taxes, or to make a direct payment of

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1 taxes, with moneys in the ~~special~~ withholding project fund.
2 The economic development authority shall verify the information
3 provided by the pilot project city.

4 Sec. 4. Section 403.19A, subsection 3, paragraph d,
5 subparagraph (1), Code 2013, is amended to read as follows:

6 (1) A copy of the adopted local development agreement
7 ~~plan of~~ between the pilot project city and the employer
8 that outlines local incentives or assistance for the project
9 using urban renewal or urban revitalization incentives, if
10 applicable.

11 Sec. 5. Section 403.19A, subsection 3, Code 2013, is amended
12 by adding the following new paragraph:

13 NEW PARAGRAPH. *Of.* Pursuant to rules adopted by the
14 economic development authority, the pilot project city
15 shall provide on an annual basis to the economic development
16 authority information documenting the compliance of each
17 employer with each requirement of the withholding agreement,
18 including but not limited to the number of jobs created or
19 retained and the amount of investment made by the employer.
20 The economic development authority shall, in response to
21 receiving such information from the pilot project city, assess
22 the level of compliance by each employer and provide to the
23 pilot project city recommendations for either maintaining
24 employer compliance with the withholding agreement or
25 terminating the agreement for noncompliance under paragraph
26 "f". The economic development authority shall also provide each
27 such assessment and recommendation report to the department of
28 revenue.

29 Sec. 6. Section 403.19A, subsection 3, paragraph f, Code
30 2013, is amended to read as follows:

31 *f.* If the employer ceases to meet the requirements of the
32 withholding agreement, the agreement shall be terminated by the
33 pilot project city and any withholding credits for the benefit
34 of the employer shall cease. However, in regard to the number
35 of jobs that are to be created or retained, if the employer



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1 has met the number of jobs to be created or retained pursuant
2 to the withholding agreement and subsequently the number of
3 jobs falls below the required level, the employer shall not be
4 considered as not meeting the job requirement until eighteen
5 months after the date of the decrease in the number of jobs
6 created or retained. Notice shall be provided promptly to the
7 department of revenue following termination.

8 Sec. 7. APPLICABILITY.

9 1. Except as provided in subsection 2, this Act applies to
10 withholding agreements entered into by a pilot project city
11 on or after the effective date of this Act and withholding
12 agreements entered into by a pilot project city prior to
13 the effective date of this Act shall be governed by section
14 403.19A, Code 2013.

15 2. The following provisions of this Act apply to withholding
16 agreements entered into prior to the effective date of this Act
17 or entered into on or after the effective date of this Act:

18 a. The section of this Act amending section 403.19A,
19 subsection 3, paragraph "f".

20 b. The section of this Act enacting section 403.19A,
21 subsection 3, paragraph "of".

22 EXPLANATION

23 This bill modifies the targeted jobs withholding tax credit
24 program, which is a pilot program enacted in 2006 to allow
25 the diversion of withholding funds paid by an employer to be
26 matched by a designated pilot project city to create economic
27 incentives that can be directed toward businesses located
28 within urban renewal areas in the city pursuant to the terms of
29 a withholding agreement with a business and after approval of
30 the agreement by the Iowa economic development authority.

31 The bill removes the requirement that an employer that is a
32 party to a withholding agreement with a pilot project city be
33 located in an urban renewal area. The bill removes a similar
34 requirement relating to the definition of targeted job. The
35 bill makes corresponding changes to Code section 403.19A to

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1 reflect the removal of the urban renewal area requirement,
2 including providing that the targeted jobs withholding credits
3 be deposited in a withholding project fund rather than the
4 special fund established for urban renewal purposes.

5 The bill allows a pilot project city to provide for the
6 deposit of the targeted jobs withholding credit into the
7 city's withholding project fund by resolution, rather than by
8 ordinance.

9 Under current law, a pilot project city may not enter into a
10 withholding agreement after June 30, 2013. The bill extends
11 that deadline to June 30, 2018.

12 The bill modifies the required contents of a withholding
13 agreement and requires each pilot project city to provide
14 on an annual basis to the economic development authority
15 information documenting the compliance of each employer with
16 each requirement of the withholding agreement, including but
17 not limited to the number of jobs created or retained and the
18 amount of investment made by the employer. The bill requires
19 the economic development authority, in response to receiving
20 such information from the pilot project city, to assess the
21 level of compliance by each employer and provide to the pilot
22 project city recommendations for either maintaining employer
23 compliance with the withholding agreement or terminating
24 the withholding agreement for noncompliance. The economic
25 development authority must also provide each such assessment
26 and recommendation report to the department of revenue.

27 The bill specifies that the pilot project city is required
28 to terminate a withholding agreement if the employer ceases to
29 meet the requirements of the agreement and also requires that
30 the department of revenue be notified following termination.

31 Except as provided in the bill, the bill applies to
32 withholding agreements entered into by a pilot project city on
33 or after the effective date of the bill. The bill provides
34 that withholding agreements entered into by a pilot project
35 city prior to the effective date of the bill shall be governed

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1 by Code section 403.19A, Code 2013. However, the section of
2 the bill enacting Code section 403.19A(3)(Of), relating to
3 compliance reporting and the section of the bill amending
4 Code section 403.19A(3)(f), relating to authority of a city
5 to terminate a withholding agreement, apply to withholding
6 agreements entered into prior to the effective date of the bill
7 on or after the effective date of the bill.



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Senate File 123 - Introduced

SENATE FILE 123
BY TAYLOR

A BILL FOR

1 An Act providing for membership in a protection occupation
2 under the Iowa public employees' retirement system for
3 employees of the department of corrections.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1826XS (3) 85
ec/nh



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S.F. 123

1 Section 1. Section 97B.42A, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 6. An employee of the department of
4 corrections on July 1, 2013, who was not a member in a
5 protection occupation on June 30, 2013, may elect out of
6 coverage as a member in a protection occupation and remain a
7 member in regular service by filing an election with the system
8 by September 1, 2013. A decision to elect out of coverage as a
9 member in a protection occupation pursuant to this subsection
10 is irrevocable upon approval from the system.

11 Sec. 2. Section 97B.49B, subsection 1, paragraph e,
12 subparagraph (3), Code 2013, is amended by striking the
13 subparagraph and inserting in lieu thereof the following:

14 (3) An employee of the Iowa department of corrections who
15 has not elected out of coverage as a member in a protection
16 occupation pursuant to section 97B.42A.

17 EXPLANATION

18 This bill amends Code section 97B.49B to provide that
19 all employees of the department of corrections, and not just
20 correctional officers and correctional supervisors, are members
21 in a protection occupation for purposes of the Iowa public
22 employees' retirement system (IPERS) unless the newly added
23 employees elect out of coverage as a member in a protection
24 occupation. The bill amends Code section 97B.42A, concerning
25 exclusions from membership, to provide that employees of the
26 department of corrections as of July 1, 2013, who were not
27 members in a protection occupation as of June 30, 2013, may
28 file an election with IPERS by September 1, 2013, to remain a
29 member in regular service.



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Senate File 124 - Introduced

SENATE FILE 124
BY HORN

A BILL FOR

1 An Act allowing the operation of certain motorboats on lake
2 Macbride at any time.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 124

1 Section 1. Section 462A.31, subsection 1, paragraph b, Code
2 2013, is amended to read as follows:

3 b. A motorboat equipped with any power unit mounted
4 or carried aboard the vessel may be operated at a no-wake
5 speed on all artificial lakes of more than one hundred acres
6 in size under the custody of the department. ~~However, on~~
7 ~~lake Macbride, a motorboat with a power unit exceeding ten~~
8 ~~horsepower may be operated only when permitted by rule and~~
9 ~~the rule shall not authorize such use during the period~~
10 ~~beginning on the Friday before Memorial Day and ending on Labor~~
11 ~~Day inclusively.~~ This paragraph does not limit motorboat
12 horsepower on natural lakes under the custody of the department
13 or limit the department's authority to establish special speed
14 zoning regulations.

15 EXPLANATION

16 This bill amends Code section 462A.31(1)(b) to allow
17 the operation of motorboats with power units exceeding 10
18 horsepower at any time on lake Macbride.



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Senate File 125 - Introduced

SENATE FILE 125
BY BLACK

A BILL FOR

1 An Act increasing certain fees relating to the purchase of
2 resident hunting, fishing, and trapping licenses.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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av/nh



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S.F. 125

1 Section 1. Section 481C.2A, subsection 1, paragraph d, Code
2 2013, is amended to read as follows:

3 d. A producer who enters into a depredation agreement with
4 the department of natural resources shall be issued a set of
5 authorization numbers. Each authorization number authorizes
6 a resident hunter to obtain a depredation license that is
7 valid only for taking antlerless deer on the land designated
8 in the producer's depredation plan. A producer may transfer
9 an authorization number issued to that producer to a resident
10 hunter who has permission to hunt on the land for which the
11 authorization number is valid. An authorization number shall
12 be valid to obtain a depredation license in any season. The
13 provisions of this paragraph shall be implemented by August
14 15, 2008. A transferee who receives an authorization number
15 pursuant to this paragraph "d" shall be otherwise qualified
16 to hunt deer in this state, purchase a hunting license that
17 includes the wildlife habitat fee, and pay ~~the one-dollar~~ a fee
18 of one dollar and fifty cents for the purpose of the deer herd
19 population management program.

20 Sec. 2. Section 483A.1, subsection 1, Code 2013, is amended
21 to read as follows:

22 1. Residents:

23 a. Fishing license, annual	\$ 17.00
24	<u>23.50</u>
25 b. Fishing license, three-year	\$ 51.00
26	<u>70.50</u>
27 c. Fishing license, seven-day	\$ 11.50
28	<u>15.00</u>
29 d. Fishing license, one-day	\$ 7.50
30	<u>8.00</u>
31 e. Third line fishing permit, annual	\$ 10.00
32 f. Fishing license, lifetime, sixty-five	
33 years or older	\$ 50.50
34 g. Hunting license, annual, not including	
35 the wildlife habitat fee	\$ 17.00

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1		23.50
2	<i>h.</i> Hunting license, annual, including the	
3	wildlife habitat fee	\$ 28.00
4		<u>37.00</u>
5	<i>i.</i> Hunting license, three-year, including	
6	the wildlife habitat fees	\$ 84.00
7		<u>111.00</u>
8	<i>j.</i> Hunting license, lifetime, sixty-five	
9	years or older	\$ 50.50
10	<i>k.</i> Combination hunting and fishing license,	
11	annual, including the wildlife habitat fee	\$ 45.00
12		<u>60.50</u>
13	<i>l.</i> Deer hunting license, <u>antlered</u>	
14	<u>or any sex deer</u>	\$ 25.50
15		<u>35.50</u>
16	<i>Om.</i> Deer hunting license, <u>antlerless</u>	
17	<u>deer only</u>	\$ 15.00
18	<i>m.</i> Wild turkey hunting license	\$ 22.50
19		<u>27.50</u>
20	<i>n.</i> Fur harvester license, annual, not including	
21	the wildlife habitat fee, sixteen years	
22	or older	\$ 20.50
23		<u>36.00</u>
24	<i>o.</i> Fur harvester license, annual, including	
25	the wildlife habitat fee, sixteen years	
26	or older	\$ 31.50
27		<u>49.50</u>
28	<i>p.</i> Fur harvester license, annual, not including	
29	the wildlife habitat fee, under sixteen years	
30	of age	\$ 5.50
31	<i>q.</i> Fur dealer license	\$225.50
32	<i>r.</i> Aquaculture unit license	\$ 25.50
33	<i>s.</i> Retail bait dealer license	\$ 30.50
34	<i>t.</i> Trout fishing fee	\$ 10.50
35		<u>13.00</u>

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1 u. Game breeder license\$ 15.50
2 v. Taxidermy license\$ 15.50
3 w. Falconry license\$ 20.50
4 x. Wildlife habitat fee\$ ~~11.00~~
5 13.50
6 y. Migratory game bird fee\$ ~~8.00~~
7 11.50
8 z. Wholesale bait dealer license\$125.00
9 aa. Boundary waters sport trotline
10 license, annual\$ 20.50
11 Sec. 3. Section 483A.8, subsections 1 and 4, Code 2013, are
12 amended to read as follows:
13 1. A resident hunting deer who is required to have a hunting
14 license must purchase a resident hunting license that includes
15 the wildlife habitat fee, in addition to the deer hunting
16 license. In addition, a resident who purchases a deer hunting
17 license shall pay a ~~one dollar~~ fee of one dollar and fifty
18 cents that shall be used and is appropriated for the purpose
19 of deer herd population management, including assisting with
20 the cost of processing deer donated to the help us stop hunger
21 program administered by the commission.
22 4. The commission may provide, by rule, for the issuance
23 of an additional antlerless deer hunting license to a person
24 who has been issued an antlerless deer hunting license. The
25 rules shall specify the number of additional antlerless deer
26 hunting licenses which may be issued, and the season and zone
27 in which the license is valid. The fee for an additional
28 antlerless deer hunting license shall be ~~ten~~ fifteen dollars
29 for residents.
30 Sec. 4. Section 483A.8C, subsection 2, Code 2013, is amended
31 to read as follows:
32 2. A person who obtains a deer hunting license under this
33 section is not required to pay the wildlife habitat fee but
34 shall purchase a deer hunting license and hunting license
35 that does not include the wildlife habitat fee, be otherwise



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1 qualified to hunt, and pay a ~~one-dollar~~ fee of one dollar and
2 fifty cents that shall be used and is appropriated for the
3 purpose of deer herd population management, including assisting
4 with the cost of processing deer donated to the help us stop
5 hunger program administered by the commission.

6 Sec. 5. Section 483A.12, subsection 2, Code 2013, is amended
7 to read as follows:

8 2. A license agent shall retain a writing fee of ~~fifty~~
9 seventy-five cents from the sale of each license or combination
10 package of licenses except that the writing fee for a free deer
11 or wild turkey hunting license as authorized under section
12 483A.24, subsection 2, shall be one dollar and twenty-five
13 cents. If a county recorder is a license agent, the writing
14 fees retained by the county recorder shall be deposited in the
15 general fund of the county.

16 Sec. 6. Section 483A.14, Code 2013, is amended to read as
17 follows:

18 **483A.14 Duplicate licenses and permits.**

19 1. When any license for which a fee has been set has been
20 lost, destroyed, or stolen, the director or a license agent
21 may issue a replacement license, if evidence is available to
22 demonstrate issuance of the original license and a fee of two
23 dollars and twenty-five cents is paid, to be placed in the
24 fish and game protection fund. If, on examination of the
25 evidence, the director or the license agent, as the case may
26 be, is satisfied that the license has been lost, destroyed,
27 or stolen, the director or the license agent shall issue a
28 duplicate license which shall be plainly marked "duplicate"
29 and the duplicate shall serve in lieu of the original license
30 and it shall contain the same information and signature as the
31 original.

32 2. The license agent shall charge a writing fee of
33 one dollar and twenty-five cents and the departmental
34 administrative fee for each duplicate license issued pursuant
35 to this section. The license agent shall retain the writing

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1 fee.

2 Sec. 7. Section 483A.24, subsection 2, paragraphs c and d,
3 Code 2013, are amended to read as follows:

4 c. Upon written application on forms furnished by the
5 department, the department shall issue annually without fee two
6 deer hunting licenses, one antlered or any sex deer hunting
7 license and one antlerless deer only deer hunting license, to
8 the owner of a farm unit or a member of the owner's family,
9 but only a total of two licenses for both, and to the tenant
10 of a farm unit or a member of the tenant's family, but only
11 a total of two licenses for both. The deer hunting licenses
12 issued shall be valid only for use on the farm unit for which
13 the applicant applies pursuant to this paragraph. The owner or
14 the tenant need not reside on the farm unit to qualify for the
15 free deer hunting licenses to hunt on that farm unit. The free
16 deer hunting licenses issued pursuant to this paragraph shall
17 be valid and may be used during any shotgun deer season. The
18 licenses may be used to harvest deer in two different seasons.
19 In addition, a person who receives a free deer hunting license
20 pursuant to this paragraph shall pay a ~~one-dollar~~ fee of one
21 dollar and fifty cents for each license that shall be used
22 and is appropriated for the purpose of deer herd population
23 management, including assisting with the cost of processing
24 deer donated to the help us stop hunger program administered
25 by the commission.

26 d. In addition to the free deer hunting licenses received
27 pursuant to paragraph "c", an owner of a farm unit or a
28 member of the owner's family and the tenant or a member of the
29 tenant's family may purchase a deer hunting license for any
30 option offered to paying deer hunting licensees. An owner of a
31 farm unit or a member of the owner's family and the tenant or a
32 member of the tenant's family may also purchase two additional
33 antlerless deer hunting licenses which are valid only on the
34 farm unit for a fee of ~~ten~~ fifteen dollars each.

35

EXPLANATION

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1 This bill increases certain fees relating to the purchase of
2 resident hunting, fishing, and trapping licenses.

3 The bill increases several resident hunting, fishing, and
4 trapping license fees. The bill also increases the wildlife
5 habitat fee, the trout fishing fee, and the migratory game bird
6 fee for residents.

7 The bill increases the fee paid by residents that is used
8 for assisting with the processing of deer donated to the help
9 us stop hunger (HUSH) program and increases the writing fee
10 payable to license agents that issue hunting, fishing, and
11 trapping licenses, and duplicate licenses.



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Senate File 126 - Introduced

SENATE FILE 126
BY JOCHUM

A BILL FOR

1 An Act relating to the sales and use tax imposed on the
2 operation of bingo games.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 423.2, subsection 4, paragraph b, Code
2 2013, is amended to read as follows:

3 b. The tax imposed under this subsection covers the total
4 amount from the operation of games of skill, games of chance,
5 and raffles, and bingo games as defined in chapter 99B, card
6 game tournaments conducted under section 99B.7B, and musical
7 devices, weighing machines, shooting galleries, billiard and
8 pool tables, bowling alleys, pinball machines, slot-operated
9 devices selling merchandise not subject to the general sales
10 taxes, the total amount less amounts awarded as prizes from
11 the operation of bingo games as defined in chapter 99B, and
12 on the total amount from devices or systems where prizes
13 are in any manner awarded to patrons and upon the receipts
14 from fees charged for participation in any game or other
15 form of amusement, and generally upon the sales price from
16 any source of amusement operated for profit, not specified
17 in this section, and upon the sales price from which tax is
18 not collected for tickets or admission, but tax shall not be
19 imposed upon any activity exempt from sales tax under section
20 423.3, subsection 78. Every person receiving any sales price
21 from the sources described in this section is subject to all
22 provisions of this subchapter relating to retail sales tax and
23 other provisions of this chapter as applicable.

24 EXPLANATION

25 This bill provides that the sales and use tax imposed on the
26 operation of bingo games shall be on the gross amount less the
27 amounts awarded as prizes. Current law imposes the tax on the
28 gross amount derived from the bingo games.



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Senate File 127 - Introduced

SENATE FILE 127
BY DEARDEN

A BILL FOR

1 An Act providing for the restoration of the right to register
2 to vote and to vote and hold elective office for certain
3 persons and including effective date and retroactive
4 applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 39A.1, subsection 2, Code 2013, is
2 amended to read as follows:

3 2. The purpose of this chapter is to identify actions which
4 threaten the integrity of the election process and to impose
5 significant sanctions upon persons who intentionally commit
6 those acts. It is the intent of the general assembly that
7 offenses with the greatest potential to affect the election
8 process be vigorously prosecuted and strong punishment meted
9 out through the imposition of felony sanctions which, as a
10 consequence, remove the voting rights of the offenders until
11 such rights are restored by the governor, by the president of
12 the United States, or by operation of law. Other offenses are
13 still considered serious, but based on the factual context in
14 which they arise, they may not rise to the level of offenses
15 to which felony penalties attach. The general assembly
16 also recognizes that instances may arise in which technical
17 infractions of chapters 39 through 53 may occur which do not
18 merit any level of criminal sanction. In such instances,
19 administrative notice from the state or county commissioner
20 of elections is sufficient. Mandates or proscriptions in
21 chapters 39 through 53 which are not specifically included in
22 this chapter shall be considered to be directive only, without
23 criminal sanction.

24 Sec. 2. Section 43.18, subsection 9, Code 2013, is amended
25 to read as follows:

26 9. A statement that the candidate is aware that the
27 candidate is disqualified from holding office if the candidate
28 has been convicted of a felony or other infamous crime and the
29 candidate's rights have not been restored by the governor, ~~or~~
30 by the president of the United States, or by operation of law.

31 Sec. 3. Section 43.67, subsection 2, paragraph i, Code 2013,
32 is amended to read as follows:

33 i. A statement that the candidate is aware that the
34 candidate is disqualified from holding office if the candidate
35 has been convicted of a felony or other infamous crime and the

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1 candidate's rights have not been restored by the governor, ~~or~~
2 by the president of the United States, or by operation of law.

3 Sec. 4. Section 44.3, subsection 2, paragraph i, Code 2013,
4 is amended to read as follows:

5 i. A statement that the candidate is aware that the
6 candidate is disqualified from holding office if the candidate
7 has been convicted of a felony or other infamous crime and the
8 candidate's rights have not been restored by the governor, ~~or~~
9 by the president of the United States, or by operation of law.

10 Sec. 5. Section 45.3, subsection 9, Code 2013, is amended
11 to read as follows:

12 9. A statement that the candidate is aware that the
13 candidate is disqualified from holding office if the candidate
14 has been convicted of a felony or other infamous crime and the
15 candidate's rights have not been restored by the governor, ~~or~~
16 by the president of the United States, or by operation of law.

17 Sec. 6. Section 48A.6, subsection 1, Code 2013, is amended
18 to read as follows:

19 1. A person who has been convicted of a felony as defined
20 in section 701.7, or convicted of an offense classified as a
21 felony under federal law. If the person's rights are later
22 restored ~~by the governor, or by the president of the United~~
23 ~~States,~~ pursuant to section 914.8, or by a pardon issued by the
24 governor or the president of the United States, the person may
25 register to vote.

26 Sec. 7. Section 57.1, subsection 2, paragraph c, Code 2013,
27 is amended to read as follows:

28 c. That prior to the election the incumbent had been duly
29 convicted of a felony, as defined in section 701.7, and that
30 the judgment had not been reversed, annulled, or set aside, nor
31 the incumbent pardoned by the governor or the president of the
32 United States or restored to the rights of citizenship ~~by the~~
33 ~~governor under chapter 914~~ pursuant to section 914.8, at the
34 time of the election.

35 Sec. 8. Section 99B.1, subsection 13, paragraph a,

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1 subparagraph (3), Code 2013, is amended to read as follows:

2 (3) The applicant has not been convicted of a felony.
3 However, if the applicant's conviction occurred more than five
4 years before the date of the application for a license, and
5 if the applicant's rights of citizenship have been restored
6 by the governor pursuant to sections 914.1 through 914.6, the
7 director of the department may determine that the applicant is
8 an eligible applicant.

9 Sec. 9. Section 123.3, subsection 34, paragraph d, Code
10 2013, is amended to read as follows:

11 d. The person has not been convicted of a felony. However,
12 if the person's conviction of a felony occurred more than five
13 years before the date of the application for a license or
14 permit, and if the person's rights of citizenship have been
15 restored by the governor pursuant to sections 914.1 through
16 914.6, the administrator may determine that the person is of
17 good moral character notwithstanding such conviction.

18 Sec. 10. Section 161A.5, subsection 3, paragraph b, Code
19 2013, is amended to read as follows:

20 b. Every candidate shall file with the nomination papers
21 an affidavit stating the candidate's name, the candidate's
22 residence, that the person is a candidate and is eligible for
23 the office of commissioner, and that if elected the candidate
24 will qualify for the office. The affidavit shall also state
25 that the candidate is aware that the candidate is disqualified
26 from holding office if the candidate has been convicted of a
27 felony or other infamous crime and the candidate's rights have
28 not been restored by the governor, ~~or~~ by the president of the
29 United States, or by operation of law.

30 Sec. 11. Section 277.4, subsection 2, paragraph b, Code
31 2013, is amended to read as follows:

32 b. Signers of nomination petitions shall include their
33 addresses and the date of signing, and must reside in the same
34 director district as the candidate if directors are elected
35 by the voters of a director district, rather than at-large.

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1 A person may sign nomination petitions for more than one
2 candidate for the same office, and the signature is not invalid
3 solely because the person signed nomination petitions for
4 one or more other candidates for the office. The petition
5 shall be filed with the affidavit of the candidate being
6 nominated, stating the candidate's name, place of residence,
7 that such person is a candidate and is eligible for the office
8 the candidate seeks, and that if elected the candidate will
9 qualify for the office. The affidavit shall also state that
10 the candidate is aware that the candidate is disqualified
11 from holding office if the candidate has been convicted of a
12 felony or other infamous crime and the candidate's rights have
13 not been restored by the governor, ~~or~~ by the president of the
14 United States, or by operation of law.

15 Sec. 12. Section 376.4, subsection 2, paragraph b, Code
16 2013, is amended to read as follows:

17 b. The petition must include the affidavit of the individual
18 for whom it is filed, stating the individual's name, the
19 individual's residence, that the individual is a candidate and
20 eligible for the office, and that if elected the individual
21 will qualify for the office. The affidavit shall also state
22 that the candidate is aware that the candidate is disqualified
23 from holding office if the candidate has been convicted of a
24 felony or other infamous crime and the candidate's rights have
25 not been restored by the governor, ~~or~~ by the president of the
26 United States, or by operation of law.

27 Sec. 13. Section 914.2, Code 2013, is amended to read as
28 follows:

29 **914.2 Right of application.**

30 Except as otherwise provided in section 902.2 or 914.8, a
31 person convicted of a criminal offense has the right to make
32 application to the board of parole for recommendation or to
33 the governor for a reprieve, pardon, commutation of sentence,
34 remission of fines or forfeitures, or restoration of rights of
35 citizenship at any time following the conviction.

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1 Sec. 14. NEW SECTION. 914.8 Restoration of right to
2 register and to vote.

3 1. A person convicted of a felony criminal offense who has
4 been discharged from probation, parole, or work release or who
5 is released from confinement under section 902.6 because the
6 person has completed the person's term of confinement shall
7 have the right to register to vote and to vote restored in the
8 manner provided in this section.

9 2. Upon discharge from criminal sentence, including
10 any accompanying term of probation, parole, or supervised
11 release, the department of corrections or judicial district
12 department of correctional services, whichever is applicable,
13 shall provide written notice to the inmate, parolee, or
14 probationer of the person's discharge which shall include a
15 voter registration form and a statement that the person's right
16 to register to vote and to vote has been restored.

17 3. The department of corrections shall monthly provide a
18 list of all persons discharged from confinement or supervision
19 to the state registrar of voters who shall provide the
20 information to the county registrars of voters as deemed
21 necessary.

22 4. Offenders may still make application for a restoration
23 of citizenship rights pursuant to this chapter. All such
24 applications, unless withdrawn, shall be processed as required
25 by this chapter.

26 5. This section shall not relieve an offender of any
27 unpaid restitution, fine, or other obligation resulting from
28 conviction.

29 Sec. 15. RETROACTIVE APPLICABILITY. This Act applies
30 retroactively to January 14, 2011.

31 Sec. 16. EFFECTIVE UPON ENACTMENT. This Act, being deemed
32 of immediate importance, takes effect upon enactment.

33 EXPLANATION

34 This bill enacts new Code section 914.8 which requires that,
35 upon discharge from certain criminal sentences, citizenship

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1 rights related to voting and qualification for public office
2 must be restored.

3 The bill requires that the right to register to vote and to
4 vote be restored for any individual who has been discharged
5 from criminal sentence, including any accompanying term of
6 probation, parole, or supervised release. The restoration
7 of citizenship rights provided for under the bill shall only
8 extend to the right to register to vote and to vote, and would
9 not include any other citizenship rights. The bill does not
10 relieve the individual of unpaid restitution, fines, or other
11 obligations resulting from conviction within the terms or
12 conditions of a criminal sentence. The bill does not limit an
13 individual's ability to apply to the governor for a restoration
14 of citizenship rights, as currently provided for in Code
15 chapter 914.

16 The bill requires that the department of corrections
17 notify the state registrar of voters upon the discharge of
18 criminal sentence for an individual. The bill requires that,
19 where applicable, the judicial district department make the
20 notification.

21 The bill takes effect upon enactment and applies
22 retroactively to January 14, 2011.



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Senate Study Bill 1105 - Introduced

SENATE FILE _____

BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON RAGAN)

A BILL FOR

1 An Act relating to informal conferences on contested citations
2 or regulatory insufficiencies in health care facilities
3 or assisted living programs and including applicability
4 provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 135C.41, subsection 2, Code 2013, is
2 amended to read as follows:

3 2. Notify the director that the facility desires to
4 contest the citation and request an informal conference with
5 ~~a representative of the department~~ an independent reviewer
6 pursuant to section 135C.42.

7 Sec. 2. Section 135C.42, Code 2013, is amended to read as
8 follows:

9 **135C.42 Informal conference on contested citation.**

10 1. The director shall assign a representative of the
11 ~~department, other than the inspector upon whose inspection the~~
12 ~~contested citation is based,~~ provide an independent reviewer
13 to hold an informal conference with the facility within ten
14 working days after receipt of a request made under section
15 135C.41, subsection 2. At the conclusion of the conference the
16 ~~representative~~ independent reviewer may affirm or may modify or
17 dismiss the citation. In the latter case, the representative
18 The independent reviewer shall state in writing the specific
19 reasons for the affirmation, modification, or dismissal and
20 immediately transmit copies of the statement to the director,
21 and to the facility. If the facility does not desire to
22 further contest an affirmed or modified citation, it shall
23 within five working days after the informal conference, or
24 after receipt of the written explanation of the representative
25 independent reviewer, as the case may be, comply with section
26 135C.41, subsection 1.

27 2. An independent reviewer shall be licensed as an
28 attorney in the state of Iowa and have experience or training
29 in geriatric long-term care and shall not be employed by
30 the department. The department may issue a request for
31 proposals to enter into a contract for the purpose of providing
32 independent reviewers for informal conferences.

33 Sec. 3. Section 135C.43, subsection 1, Code 2013, is amended
34 to read as follows:

35 1. A facility ~~which~~ that desires to further contest an

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1 affirmed or modified citation for a Class I, Class II, or Class
2 III violation, may do so in the manner provided by chapter 17A
3 for contested cases. Notice of intent to formally contest a
4 citation shall be given the department in writing within five
5 days after the informal conference or after receipt of the
6 written explanation of the ~~representative-delegated~~ independent
7 reviewer provided to hold the informal conference, whichever is
8 applicable, in the case of an affirmed or modified citation.

9 A facility which has exhausted all adequate administrative
10 remedies and is aggrieved by the final action of the department
11 may petition for judicial review in the manner provided by
12 chapter 17A.

13 Sec. 4. Section 231C.8, subsection 2, Code 2013, is amended
14 to read as follows:

15 2. The department shall review the written information
16 submitted within ten working days of the receipt of the
17 information. At the conclusion of the review, the department
18 may affirm, modify, or dismiss the regulatory insufficiencies.
19 The department shall notify the program in writing of the
20 decision to affirm, modify, or dismiss the regulatory
21 insufficiencies, and the reasons for the decision. If an
22 assisted living program desires to further contest the
23 citation after an informal review, the program shall notify
24 the department within twenty business days after service of
25 the affirmation or modification of the informal review of
26 the program's desire to contest the citation and request an
27 informal conference with an independent reviewer.

28 Sec. 5. **NEW SECTION. 231C.8A Informal conference on**
29 **contested regulatory insufficiencies.**

30 1. The department shall provide an independent reviewer to
31 hold an informal conference with an assisted living program
32 within ten working days after receiving a request from the
33 program following an informal review pursuant to section
34 231C.8. At the conclusion of the conference the independent
35 reviewer may affirm or may modify or dismiss the regulatory

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1 insufficiencies. The independent reviewer shall state in
2 writing the specific reasons for the affirmation, modification,
3 or dismissal and immediately transmit copies of the statement
4 to the department and to the program. If the program does not
5 desire to further contest an affirmed or modified regulatory
6 insufficiency, it shall within five working days after
7 the informal conference, or after receipt of the written
8 explanation of the independent reviewer, as the case may be,
9 comply with section 231C.14, subsection 2.

10 2. An independent reviewer shall be licensed as an
11 attorney in the state of Iowa and have experience or training
12 in geriatric long-term care and shall not be employed by
13 the department. The department may issue a request for
14 proposals to enter into a contract for the purpose of providing
15 independent reviewers for informal conferences.

16 Sec. 6. Section 231C.9, Code 2013, is amended to read as
17 follows:

18 **231C.9 Public disclosure of findings.**

19 Upon completion of a monitoring evaluation or complaint
20 investigation of an assisted living program by the department
21 pursuant to this chapter, including the conclusion of informal
22 review or an informal conference, the department's final
23 findings with respect to compliance by the assisted living
24 program with requirements for certification shall be made
25 available to the public in a readily available form and
26 place. Other information relating to an assisted living
27 program that is obtained by the department which does not
28 constitute the department's final findings from a monitoring
29 evaluation or complaint investigation of the assisted living
30 program shall not be made available to the public except in
31 proceedings involving the denial, suspension, or revocation of
32 a certificate under this chapter.

33 **Sec. 7. APPLICABILITY.**

34 1. The sections of this Act amending sections 135C.41,
35 135C.42, and 135C.43 apply to an informal conference requested

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1 under chapter 135C on or after January 1, 2014.

2 2. The sections of this Act amending sections 231C.8 and
3 231C.9, and adding section 231C.8A, apply to assisted living
4 programs desiring to request an informal conference on or after
5 January 1, 2014.

6 EXPLANATION

7 This bill relates to informal conferences on contested
8 citations in health care facilities or assisted living
9 programs. Currently, the director of the department of
10 inspections and appeals assigns a representative of the
11 department who was not involved in the contested citation
12 to hold an informal conference with a health care facility
13 within 10 working days after receipt of a request made by the
14 facility to contest a citation. The bill would require that
15 an independent reviewer would hold the informal conference
16 rather than a representative of the department of inspections
17 and appeals. The bill provides that the independent reviewer
18 must be an Iowa-licensed attorney and must have experience or
19 training in geriatric long-term care.

20 The bill also adds the informal conference process
21 for assisted living programs that receive a regulatory
22 insufficiency. Current law allows assisted living programs
23 to request an informal review of contested regulatory
24 insufficiencies, but does not provide for an informal
25 conference. The bill provides that an independent reviewer
26 must be provided to hold an informal conference within 10
27 working days after the request by an assisted living program.
28 The independent reviewer may affirm or modify or dismiss the
29 regulatory insufficiency at the end of the informal conference.
30 The reviewer must provide written specific reasons for the
31 decision and immediately transmit the copies to the department
32 of inspections and appeals and to the program. If, after
33 receiving the reviewer's statement, the program no longer
34 wishes to contest the decision, the program shall comply with
35 the payment of any civil penalty.

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1 The bill applies to an informal conference requested by
2 a health care facility under Code chapter 135C on or after
3 January 1, 2014, and to assisted living programs desiring to
4 request an informal conference under Code chapter 231C on or
5 after January 1, 2014.



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Senate Study Bill 1106 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON DANIELSON)

A BILL FOR

1 An Act relating to government operations and efficiency and
2 other related matters and including effective date and
3 applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 DIVISION I
2 GOVERNMENT INFORMATION TECHNOLOGY SERVICES
3 Section 1. Section 8A.205, subsection 2, paragraph g, Code
4 2013, is amended to read as follows:
5 g. Encourage participating agencies to utilize duplex
6 printing and a print on demand strategy to reduce printing
7 costs, publication overruns, excessive inventory, and obsolete
8 printed materials.
9 Sec. 2. DEPARTMENT OF ADMINISTRATIVE SERVICES —
10 INFORMATION TECHNOLOGY DEVICE INVENTORY.
11 1. The department of administrative services shall complete
12 an inventory of information technology devices utilized by the
13 department and participating agencies, as defined in section
14 8A.201. The department shall conduct the inventory with the
15 goal of identifying potential information technology device
16 upgrades, changes, or other efficiencies that will meet the
17 information technology needs of the applicable department or
18 agency at reduced cost to the state.
19 2. The department shall submit a report to the general
20 assembly by January 1, 2014, describing the department's
21 actions as required by this section. The report shall,
22 if applicable, identify any statutory barriers or needed
23 technology investments for pursuing efforts described in this
24 section and shall include in the report its findings and any
25 recommendations for legislative action.
26 Sec. 3. DEPARTMENT OF ADMINISTRATIVE SERVICES —
27 INFORMATION TECHNOLOGY COORDINATION AND MANAGEMENT.
28 1. The department of administrative services, in accordance
29 with the requirements Code section 8A.202, subsection 2,
30 paragraph "g", to coordinate and manage information technology
31 services within the department, shall establish a schedule
32 by which all departments subject to the requirements of that
33 Act and chapter 8A shall comply with these requirements. The
34 schedule shall provide for implementation of the requirements
35 to all affected state agencies and departments by December

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1 31, 2014. The department shall submit a copy of the schedule
2 to the general assembly by July 31, 2013, and shall provide
3 periodic updates to the general assembly on the progress of
4 meeting the time deadlines contained in the schedule.

5 2. In procuring information technology as provided in
6 section 8A.207, the department of administrative services
7 should explore strategies of procuring information technology
8 through leasing.

9 DIVISION II

10 MEDICATION THERAPY MANAGEMENT

11 Sec. 4. NEW SECTION. 8A.441 Medication therapy management.

12 1. As used in this section, unless the context otherwise
13 requires:

14 a. "Eligible employee" means an employee of the state, with
15 the exception of an employee of the state board of regents or
16 institutions under the state board of regents, for whom group
17 health plans are established pursuant to chapter 509A providing
18 for third-party payment or prepayment for health or medical
19 expenses.

20 b. "Medication therapy management" means a systematic
21 process performed by a licensed pharmacist, designed to improve
22 quality outcomes for patients and lower health care costs,
23 including emergency room, hospital, provider, and other costs,
24 by optimizing appropriate medication use linked directly to
25 achievement of the clinical goals of therapy. Medication
26 therapy management shall include all of the following services:

27 (1) A medication therapy review and in-person consultation
28 relating to all medications, vitamins, and herbal supplements
29 currently being taken by an eligible individual.

30 (2) A medication action plan, subject to the limitations
31 specified in this section, communicated to the individual and
32 the individual's primary care physician or other appropriate
33 prescriber to address issues including appropriateness,
34 effectiveness, safety, drug interactions, and adherence. The
35 medication action plan may include drug therapy recommendations

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1 to prescribers that are needed to meet clinical goals and
2 achieve optimal patient outcomes.

3 (3) Documentation and follow-up to ensure consistent levels
4 of pharmacy services and positive outcomes.

5 2. a. The department shall utilize a request for proposals
6 process and shall enter into a contract for the provision of
7 medication therapy management services for eligible employees
8 who meet any of the following criteria:

9 (1) An individual who takes four or more prescription drugs
10 to treat or prevent two or more chronic medical conditions.

11 (2) An individual with a prescription drug therapy problem
12 who is identified by the prescribing physician or other
13 appropriate prescriber, and referred to a pharmacist for
14 medication therapy management services.

15 (3) An individual who meets other criteria established by
16 the third-party payment provider contract, policy, or plan.

17 b. The contract shall require the entity to provide annual
18 reports to the general assembly detailing the costs, savings,
19 estimated cost avoidance and return on investment, and improved
20 patient outcomes related to the medication therapy management
21 services provided. The entity shall guarantee demonstrated
22 annual savings for overall health care costs, including
23 emergency room, hospital, provider, and other costs, with
24 savings including associated cost avoidance, at least equal
25 to the program's costs with any shortfall amount refunded to
26 the state. The contract shall include terms, conditions,
27 and applicable measurement standards associated with the
28 demonstration of savings. The department shall verify the
29 demonstrated savings reported by the entity were achieved in
30 accordance with the agreed upon measurement standards. The
31 entity shall be prohibited from using the entity's employees to
32 provide the medication therapy management services and shall
33 instead be required to contract with licensed pharmacies,
34 pharmacists, or physicians.

35 c. The department may establish an advisory committee

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1 comprised of an equal number of physicians and pharmacists
2 to provide advice and oversight in evaluating the results of
3 the program. The department shall appoint the members of the
4 advisory committee based upon designees of the Iowa pharmacy
5 association, the Iowa medical society, and the Iowa osteopathic
6 medical association.

7 *d.* The fees for pharmacist-delivered medication therapy
8 management services shall be separate from the reimbursement
9 for prescription drug product or dispensing services; shall
10 be determined by each third-party payment provider contract,
11 policy, or plan; and must be reasonable based on the resources
12 and time required to provide the service.

13 *e.* A fee shall be established for physician reimbursement
14 for services delivered for medication therapy management as
15 determined by each third-party payment provider contract,
16 policy, or plan, and must be reasonable based on the resources
17 and time required to provide the service.

18 *f.* If any part of the medication therapy management
19 plan developed by a pharmacist incorporates services which
20 are outside the pharmacist's independent scope of practice
21 including the initiation of therapy, modification of dosages,
22 therapeutic interchange, or changes in drug therapy, the
23 express authorization of the individual's physician or other
24 appropriate prescriber is required.

25 Sec. 5. EFFECTIVE UPON ENACTMENT. This division of this
26 Act, being deemed of immediate importance, takes effect upon
27 enactment.

28 DIVISION III

29 STATE PHYSICAL RESOURCES

30 Sec. 6. STATE EMPLOYEE WORK ENVIRONMENT ANALYSIS
31 AND REPORT. By September 30, 2013, the department of
32 administrative services shall conduct a high level needs
33 analysis of state employee work stations and office standards,
34 assessing adequate square footage needs, and creating healthy,
35 productive, and efficient work environments in an economical

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1 manner. Overall objectives of the analysis shall include
2 improving employee density; properly allocating space for
3 individual and group work; improving worker health and
4 safety; improving technology integration; and improving energy
5 efficiency and sustainability in state offices. The department
6 shall submit findings and recommendations to the capitol
7 planning commission and to the legislative fiscal committee by
8 October 30, 2013.

9 DIVISION IV

10 AUDITS

11 Sec. 7. Section 11.6, subsection 10, Code 2013, is amended
12 to read as follows:

13 10. The auditor of state shall adopt rules in accordance
14 with chapter 17A to establish and collect a filing fee for
15 the filing of each report of audit or examination conducted
16 pursuant to ~~subsections 1 through 3~~ subsection 1, paragraphs "a"
17 and "c", subsection 2, and subsection 3. The funds collected
18 shall be maintained in a segregated account for use by the
19 office of the auditor of state in performing audits conducted
20 pursuant to subsection 4 and for work paper reviews conducted
21 pursuant to subsection 5. Any funds collected by the auditor
22 pursuant to subsection 4 shall be deposited in this account.
23 Notwithstanding section 8.33, the funds in this account shall
24 not revert at the end of any fiscal year.

25 Sec. 8. Section 182.18, subsection 1, Code 2013, is amended
26 to read as follows:

27 1. Moneys collected under this chapter are subject to audit
28 by the auditor of state and shall be used by the Iowa sheep and
29 wool promotion board first for the payment of collection and
30 refund expenses, second for payment of the costs and expenses
31 arising in connection with conducting referendums, and third
32 for the purposes identified in section 182.11, ~~and fourth for~~
33 ~~the cost of audits for the auditor of state.~~ Moneys of the
34 board remaining after a referendum is held at which a majority
35 of the voters favor termination of the board and the assessment

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1 shall continue to be expended in accordance with this chapter
2 until exhausted. ~~The auditor of state may seek reimbursement~~
3 ~~for the cost of the audit.~~

4 Sec. 9. Section 184.14, subsection 2, Code 2013, is amended
5 to read as follows:

6 2. Moneys collected, deposited in the fund, and transferred
7 to the council as provided in this chapter are subject to
8 audit by the auditor of state. ~~The auditor of state may~~
9 ~~seek reimbursement for the cost of the audit.~~ The moneys
10 transferred to the council shall be used by the council first
11 for the payment of collection expenses, second for payment of
12 the costs and expenses arising in connection with conducting
13 referendums, and third to perform the functions and carry out
14 the duties of the council as provided in this chapter, ~~and~~
15 ~~fourth for the cost of audits by the auditor of state.~~ Moneys
16 remaining after the council is abolished and the imposition of
17 an assessment is terminated pursuant to a referendum conducted
18 pursuant to section 184.5 shall continue to be expended in
19 accordance with this chapter until exhausted.

20 Sec. 10. Section 184A.6, subsection 2, Code 2013, is amended
21 to read as follows:

22 2. The council shall expend moneys from the account first
23 for the payment of expenses for the collection of assessments,
24 second and then for the payment of expenses related to
25 conducting a referendum as provided in section 184A.12,
26 ~~and third for the cost of audits by the auditor of state as~~
27 ~~required in section 184A.9.~~ The council shall expend remaining
28 moneys for market development, producer education, and the
29 payment of refunds to producers as provided in this chapter.

30 Sec. 11. Section 184A.9, Code 2013, is amended to read as
31 follows:

32 **184A.9 Audit.**

33 Moneys required to be deposited in the turkey council
34 account as provided in section 184A.4 shall be subject to
35 audit by the auditor of state. ~~The auditor of state may seek~~

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1 ~~reimbursement for the cost of the audit from moneys deposited~~
2 ~~in the turkey council account.~~

3 Sec. 12. Section 185C.26, Code 2013, is amended to read as
4 follows:

5 **185C.26 Deposit of moneys — corn promotion fund.**

6 A state assessment collected by the board from a sale of corn
7 shall be deposited in the office of the treasurer of state in
8 a special fund known as the corn promotion fund. The fund may
9 include any gifts, rents, royalties, interest, license fees,
10 or a federal or state grant received by the board. Moneys
11 collected, deposited in the fund, and transferred to the board
12 as provided in this chapter shall be subject to audit by the
13 auditor of state. ~~The auditor of state may seek reimbursement~~
14 ~~for the cost of the audit from moneys deposited in the fund as~~
15 ~~provided in this chapter.~~ The department of administrative
16 services shall transfer moneys from the fund to the board
17 for deposit into an account established by the board in a
18 qualified financial institution. The department shall transfer
19 the moneys as provided in a resolution adopted by the board.
20 However, the department is only required to transfer moneys
21 once during each day and only during hours when the offices of
22 the state are open. From moneys collected, the board shall
23 first pay all the direct and indirect costs incurred by the
24 secretary and the costs of referendums, elections, and other
25 expenses incurred in the administration of this chapter, before
26 moneys may be expended for the purpose of carrying out the
27 purposes of this chapter as provided in section 185C.11.

28 Sec. 13. EFFECTIVE UPON ENACTMENT. This division of this
29 Act, being deemed of immediate importance, takes effect upon
30 enactment.

31 DIVISION V

32 HOMELAND SECURITY AND EMERGENCY MANAGEMENT ORGANIZATION

33 Sec. 14. Section 7E.5, subsection 1, paragraph p, Code 2013,
34 is amended to read as follows:

35 p. The department of public defense, created in section

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1 29.1, which has primary responsibility for state military
2 forces ~~and emergency management~~.

3 Sec. 15. Section 7E.5, subsection 1, Code 2013, is amended
4 by adding the following new paragraph:

5 NEW PARAGRAPH. *w.* The department of homeland security
6 and emergency management, created in section 29C.5, which has
7 primary responsibility for the administration of emergency
8 planning matters, including emergency resource planning in
9 this state, homeland security activities, and coordination of
10 available services and resources in the event of a disaster to
11 include those services and resources of the federal government
12 and private entities.

13 Sec. 16. Section 8A.202, subsection 5, paragraph e, Code
14 2013, is amended to read as follows:

15 *e.* (1) The department of public defense, ~~including both~~
16 ~~the military division and the homeland security and emergency~~
17 ~~management division~~, shall not be required to obtain any
18 information technology services pursuant to this subchapter
19 for the department of public defense ~~or its divisions~~ that is
20 provided by the department pursuant to this chapter without the
21 consent of the adjutant general.

22 (2) The department of homeland security and emergency
23 management shall not be required to obtain any information
24 technology services pursuant to this subchapter for the
25 department of homeland security and emergency management that
26 is provided by the department pursuant to this chapter without
27 the consent of the director of the department of homeland
28 security and emergency management.

29 Sec. 17. Section 8D.2, subsection 5, paragraph b, Code 2013,
30 is amended to read as follows:

31 *b.* For the purposes of this chapter, "*public agency*" also
32 includes any homeland security or defense facility or disaster
33 response agency established by the ~~administrator~~ director of
34 the department of homeland security and emergency management
35 ~~division of the department of public defense~~ or the governor

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1 or any facility connected with a security or defense system or
2 disaster response as required by the ~~administrator~~ director of
3 the department of homeland security and emergency management
4 ~~division of the department of public defense~~ or the governor.

5 Sec. 18. Section 8D.9, subsection 3, Code 2013, is amended
6 to read as follows:

7 3. A facility that is considered a public agency pursuant
8 to section 8D.2, subsection 5, paragraph "b", shall be
9 authorized to access the Iowa communications network strictly
10 for homeland security communication purposes and disaster
11 communication purposes. Any utilization of the network that
12 is not related to communications concerning homeland security
13 or a disaster, as defined in section 29C.2, is expressly
14 prohibited. Access under this subsection shall be available
15 only if a state of disaster emergency is proclaimed by the
16 governor pursuant to section 29C.6 or a homeland security
17 or disaster event occurs requiring connection of disparate
18 communications systems between public agencies to provide
19 for a multiagency or multijurisdictional response. Access
20 shall continue only for the period of time the homeland
21 security or disaster event exists. For purposes of this
22 subsection, disaster communication purposes includes training
23 and exercising for a disaster if public notice of the training
24 and exercising session is posted on the ~~website~~ internet site
25 of the department of homeland security and emergency management
26 ~~division of the department of public defense~~. A scheduled and
27 noticed training and exercising session shall not exceed five
28 days. Interpretation and application of the provisions of this
29 subsection shall be strictly construed.

30 Sec. 19. Section 16.191, subsection 2, paragraph e, Code
31 2013, is amended to read as follows:

32 e. The ~~administrator~~ director of the department of homeland
33 security and emergency management ~~division of the department of~~
34 ~~public defense~~ or the ~~administrator's~~ director's designee.

35 Sec. 20. Section 22.7, subsection 45, Code 2013, is amended

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1 to read as follows:

2 45. The critical asset protection plan or any part of the
3 plan prepared pursuant to section 29C.8 and any information
4 held by the department of homeland security and emergency
5 management ~~division~~ that was supplied to the ~~division~~
6 department by a public or private agency or organization and
7 used in the development of the critical asset protection plan
8 to include, but not be limited to, surveys, lists, maps, or
9 photographs. However, the ~~administrator~~ director shall make
10 the list of assets available for examination by any person.
11 A person wishing to examine the list of assets shall make
12 a written request to the ~~administrator~~ director on a form
13 approved by the ~~administrator~~ director. The list of assets may
14 be viewed at the ~~division's~~ department's offices during normal
15 working hours. The list of assets shall not be copied in any
16 manner. Communications and asset information not required by
17 law, rule, or procedure that are provided to the ~~administrator~~
18 director by persons outside of government and for which the
19 ~~administrator~~ director has signed a nondisclosure agreement are
20 exempt from public disclosures. The department of homeland
21 security and emergency management ~~division~~ may provide all or
22 part of the critical asset plan to federal, state, or local
23 governmental agencies which have emergency planning or response
24 functions if the ~~administrator~~ director is satisfied that
25 the need to know and intended use are reasonable. An agency
26 receiving critical asset protection plan information from the
27 ~~division~~ department shall not disseminate the information
28 without prior approval of the ~~administrator~~ director.

29 Sec. 21. Section 23A.2, subsection 10, paragraph m, Code
30 2013, is amended to read as follows:

31 *m.* The repair, calibration, or maintenance of radiological
32 detection equipment by the department of homeland security
33 and emergency management ~~division of the department of public~~
34 ~~defense~~.

35 Sec. 22. Section 29.1, Code 2013, is amended to read as

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1 follows:

2 **29.1 Department of public defense.**

3 The department of public defense is composed of the military
4 ~~division and the homeland security and emergency management~~
5 division office of the adjutant general and the military forces
6 of the state of Iowa. The adjutant general is the director of
7 the department of public defense and ~~the budget and personnel~~
8 ~~of all of the divisions are subject to the approval of the~~
9 adjutant general shall perform all functions, responsibilities,
10 powers, and duties over the military forces of the state of
11 Iowa as provided in the laws of the state. ~~The Iowa emergency~~
12 ~~response commission established by section 30.2 is attached to~~
13 ~~the department of public defense for organizational purposes.~~

14 Sec. 23. Section 29.2A, Code 2013, is amended to read as
15 follows:

16 **29.2A Airport fire fighters — maximum age.**

17 The maximum age for a person to be employed as an airport
18 fire fighter by the ~~military division of the~~ department of
19 public defense is sixty-five years of age.

20 Sec. 24. Section 29A.3A, subsection 4, paragraph a, Code
21 2013, is amended to read as follows:

22 a. Operations and administration of the civil air patrol
23 relating to missions not qualifying for federal mission status
24 shall be funded by the state from moneys appropriated to the
25 department of homeland security and emergency management
26 ~~division of the department of public defense~~ for that purpose.

27 Sec. 25. Section 29A.12, subsection 1, Code 2013, is amended
28 to read as follows:

29 1. The adjutant general shall have command and control of
30 the ~~military division~~ department of public defense, and perform
31 such duties as pertain to the office of the adjutant general
32 under law and regulations, pursuant to the authority vested in
33 the adjutant general by the governor. The adjutant general
34 shall superintend the preparation of all letters and reports
35 required by the United States from the state, and perform all

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1 the duties prescribed by law. The adjutant general shall
2 have charge of the state military reservations, and all other
3 property of the state kept or used for military purposes. The
4 adjutant general may accept and expend nonappropriated funds
5 in accordance with law and regulations. The adjutant general
6 shall cause an inventory to be taken at least once each year
7 of all military stores, property, and funds under the adjutant
8 general's jurisdiction. In each year preceding a regular
9 session of the general assembly, the adjutant general shall
10 prepare a detailed report of the transactions of that office,
11 its expenses, and other matters required by the governor for
12 the period since the last preceding report, and the governor
13 may at any time require a similar report.

14 Sec. 26. Section 29A.56, Code 2013, is amended to read as
15 follows:

16 **29A.56 Special police.**

17 The adjutant general may by order entered of record
18 commission one or more of the employees of the ~~military~~
19 ~~division~~ department of public defense as special police. Such
20 special police shall on the premises of any state military
21 reservation or other state military property have and exercise
22 the powers of regular peace officers.

23 Sec. 27. Section 29C.1, subsection 1, Code 2013, is amended
24 to read as follows:

25 1. To establish a department of homeland security
26 and emergency management ~~division of the department of~~
27 ~~public defense~~ and to authorize the establishment of local
28 organizations for emergency management in the political
29 subdivisions of the state.

30 Sec. 28. Section 29C.2, Code 2013, is amended by adding the
31 following new subsections:

32 NEW SUBSECTION. 1A. "*Department*" means the department of
33 homeland security and emergency management.

34 NEW SUBSECTION. 1B. "*Director*" means the director of the
35 department of homeland security and emergency management.

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1 Sec. 29. Section 29C.5, Code 2013, is amended to read as
2 follows:

3 **29C.5 Homeland Department of homeland security and emergency**
4 **management division.**

5 A The department of homeland security and emergency
6 ~~management division~~ is created ~~within the department of public~~
7 ~~defense~~. The department of homeland security and emergency
8 ~~management division~~ shall be responsible for the administration
9 of emergency planning matters, including emergency resource
10 planning in this state, cooperation with, support of, funding
11 for, and tasking of the civil air patrol for missions not
12 qualifying for federal mission status as described in section
13 29A.3A in accordance with operational and funding criteria
14 developed with the adjutant general and coordinated with
15 the civil air patrol, homeland security activities, and
16 coordination of available services and resources in the event
17 of a disaster to include those services and resources of the
18 federal government and private entities. The Iowa emergency
19 response commission established by section 30.2 is attached to
20 the department of homeland security and emergency management
21 for organizational purposes.

22 Sec. 30. Section 29C.8, Code 2013, is amended to read as
23 follows:

24 **29C.8 Powers and duties of ~~administrator~~ director.**

25 1. The department of homeland security and emergency
26 ~~management division~~ shall be under the management of ~~an~~
27 ~~administrator~~ a director appointed by the governor.

28 2. The ~~administrator~~ director shall be vested with the
29 authority to administer emergency management and homeland
30 security affairs in this state and shall be responsible for
31 preparing and executing the emergency management and homeland
32 security programs of this state subject to the direction of the
33 ~~adjutant-general~~ governor. In the event of a disaster beyond
34 local control, the director may assume direct operational
35 control over all or any part of the emergency management

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1 functions within this state.
2 3. The ~~administrator~~ director, upon the direction of
3 the governor ~~and supervisory control of the director of the~~
4 ~~department of public defense~~, shall:
5 a. Prepare a comprehensive emergency plan and emergency
6 management program for homeland security, disaster
7 preparedness, response, recovery, mitigation, emergency
8 operation, and emergency resource management of this state.
9 The plan and program shall be integrated into and coordinated
10 with the homeland security and emergency plans of the federal
11 government and of other states to the fullest possible extent
12 and. The director shall also coordinate the preparation of
13 plans and programs for emergency management of the political
14 subdivisions and various state departments of this state.
15 The plans shall be integrated into and coordinated with a
16 comprehensive state homeland security and emergency program for
17 this state as coordinated by the ~~administrator of the homeland~~
18 ~~security and emergency management division~~ director to the
19 fullest possible extent.
20 b. Make such studies and surveys of the industries,
21 resources, and facilities in this state as may be necessary to
22 ascertain the vulnerabilities of critical state infrastructure
23 and assets to attack and the capabilities of the state for
24 disaster recovery, disaster planning and operations, and
25 emergency resource management, and to plan for the most
26 efficient emergency use thereof.
27 c. Provide technical assistance to any commission requiring
28 the assistance in the development of an emergency management
29 or homeland security program.
30 d. Implement planning and training for emergency response
31 teams as mandated by the federal government under the
32 Comprehensive Environmental Response, Compensation, and
33 Liability Act of 1980 as amended by the Superfund Amendments
34 and Reauthorization Act of 1986, 42 U.S.C. § 9601 et seq.
35 e. Prepare a critical asset protection plan that contains

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1 an inventory of infrastructure, facilities, systems, other
2 critical assets, and symbolic landmarks; an assessment of the
3 criticality, vulnerability, and level of threat to the assets;
4 and information pertaining to the mobilization, deployment, and
5 tactical operations involved in responding to or protecting the
6 assets.

7 *f.* Approve and support the development and ongoing
8 operations of homeland security and emergency response teams to
9 be deployed as a resource to supplement and enhance disrupted
10 or overburdened local emergency and disaster operations and
11 deployed as available to provide assistance to other states
12 pursuant to the interstate emergency management assistance
13 compact described in section 29C.21. The following shall apply
14 to homeland security and emergency response teams:

15 (1) A member of a homeland security and emergency response
16 team acting under this section upon the directive of the
17 ~~administrator~~ director or pursuant to a governor's disaster
18 proclamation as provided in section 29C.6 shall be considered
19 an employee of the state for purposes of section 29C.21 and
20 chapter 669 and shall be afforded protection as an employee
21 of the state under section 669.21. Disability, workers'
22 compensation, and death benefits for team members working
23 under the authority of the ~~administrator~~ director or pursuant
24 to the provisions of section 29C.6 shall be paid by the
25 state in a manner consistent with the provisions of chapter
26 85, 410, or 411 as appropriate, depending on the status of
27 the member, provided that the member is registered with the
28 ~~homeland security and emergency management division~~ department
29 as a member of an approved team and is participating as a
30 team member in a response or recovery operation initiated
31 by the ~~administrator~~ director or governor pursuant to this
32 section or in a training or exercise activity approved by the
33 ~~administrator~~ director.

34 (2) Each approved homeland security and emergency
35 management response team shall establish standards for

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1 team membership, shall provide the ~~division~~ department with
2 a listing of all team members, and shall update the list
3 each time a member is removed from or added to the team.
4 Individuals so identified as team members shall be considered
5 to be registered as team members for purposes of subparagraph
6 (1).

7 (3) Upon notification of a compensable loss to a member of
8 a homeland security and emergency management response team, the
9 department of administrative services shall process the claim
10 and seek authorization from the executive council to pay as an
11 expense paid from the appropriations addressed in section 7D.29
12 those costs associated with covered benefits.

13 g. Implement and support the national incident management
14 system as established by the United States department of
15 homeland security to be used by state agencies and local and
16 tribal governments to facilitate efficient and effective
17 assistance to those affected by emergencies and disasters.

18 h. Carry out duties related to the flood mitigation program
19 and the flood mitigation board under chapter 418.

20 4. The ~~administrator~~ director, with the approval of the
21 governor ~~and upon recommendation of the adjutant general~~, may
22 employ a deputy ~~administrator~~ director and such technical,
23 clerical, stenographic, and other personnel and make such
24 expenditures within the appropriation or from other funds made
25 available to the department ~~of public defense for purposes of~~
26 ~~emergency management~~, as may be necessary to administer this
27 chapter.

28 5. The ~~homeland security and emergency management division~~
29 department may charge fees for the repair, calibration, or
30 maintenance of radiological detection equipment and may expend
31 funds in addition to funds budgeted for the servicing of the
32 radiological detection equipment. The ~~division~~ department
33 shall adopt rules pursuant to chapter 17A providing for the
34 establishment and collection of fees for radiological detection
35 equipment repair, calibration, or maintenance services and

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1 for entering into agreements with other public and private
2 entities to provide the services. Fees collected for repair,
3 calibration, or maintenance services shall be treated as
4 repayment receipts as defined in section 8.2 and shall be used
5 for the operation of the ~~division's~~ department's radiological
6 maintenance facility or radiation incident response training.

7 Sec. 31. Section 29C.8A, subsection 2, Code 2013, is amended
8 to read as follows:

9 2. The emergency response fund shall be administered by the
10 ~~homeland security and emergency management division~~ department
11 to carry out planning and training for the emergency response
12 teams.

13 Sec. 32. Section 29C.9, subsections 1, 5, 7, 8, and 10, Code
14 2013, are amended to read as follows:

15 1. The county boards of supervisors, city councils, and
16 the sheriff in each county shall cooperate with the ~~homeland~~
17 ~~security and emergency management division of the department of~~
18 ~~public defense~~ department to establish a commission to carry
19 out the provisions of this chapter.

20 5. The commission shall model its bylaws and conduct its
21 business according to the guidelines provided in the ~~state~~
22 ~~division's~~ department's administrative rules.

23 7. The commission shall delegate to the emergency
24 management coordinator the authority to fulfill the
25 commission duties as described in the ~~division's~~ department's
26 administrative rules. Each commission shall appoint a
27 local emergency management coordinator who shall meet the
28 qualifications specified in the administrative rules by the
29 ~~administrator of the homeland security and emergency management~~
30 ~~division~~ director. Additional emergency management personnel
31 may be appointed at the discretion of the commission.

32 8. The commission shall develop, adopt, and submit
33 for approval by local governments within the commission's
34 jurisdiction, a comprehensive emergency plan which meets
35 standards adopted by the ~~division~~ department in accordance

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1 with chapter 17A. If an approved comprehensive emergency
2 plan has not been prepared according to established standards
3 and the ~~administrator of the homeland security and emergency~~
4 ~~management division~~ director finds that satisfactory progress
5 is not being made toward the completion of the plan, or if
6 the ~~administrator~~ director finds that a commission has failed
7 to appoint a qualified emergency management coordinator as
8 provided in this chapter, the ~~administrator~~ director shall
9 notify the governing bodies of the counties and cities affected
10 by the failure and the governing bodies shall not appropriate
11 any moneys to the local emergency management fund until the
12 comprehensive emergency plan is prepared and approved or a
13 qualified emergency management coordinator is appointed.
14 If the ~~administrator~~ director finds that a commission has
15 appointed an unqualified emergency management coordinator,
16 the ~~administrator~~ director shall notify the commission citing
17 the qualifications which are not met and the commission shall
18 not approve the payment of the salary or expenses of the
19 unqualified emergency management coordinator.

20 10. Two or more commissions may, upon review by the
21 ~~state administrator~~ director and with the approval of their
22 respective boards of supervisors and cities, enter into
23 agreements pursuant to chapter 28E for the joint coordination
24 and administration of emergency management services throughout
25 the multicounty area.

26 Sec. 33. Section 29C.11, subsection 1, Code 2013, is amended
27 to read as follows:

28 1. The local emergency management commission shall, in
29 collaboration with other public and private agencies within
30 this state, develop mutual aid arrangements for reciprocal
31 disaster services and recovery aid and assistance in case
32 of disaster too great to be dealt with unassisted. The
33 arrangements shall be consistent with the ~~homeland security and~~
34 ~~emergency management division~~ department plan and program, and
35 in time of emergency each local emergency management agency

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1 shall render assistance in accordance with the provisions of
2 the mutual aid arrangements.

3 Sec. 34. Section 29C.12, Code 2013, is amended to read as
4 follows:

5 **29C.12 Use of existing facilities.**

6 In carrying out the provisions of this chapter, the
7 governor, ~~and the director of the department of public defense,~~
8 and the executive officers or governing boards of political
9 subdivisions of the state shall utilize, to the maximum extent
10 practicable, the services, equipment, supplies, and facilities
11 of existing departments, officers, and agencies of the state
12 and of political subdivisions at their respective levels of
13 responsibility.

14 Sec. 35. Section 29C.12A, Code 2013, is amended to read as
15 follows:

16 **29C.12A Participation in funding disaster recovery facility.**

17 All state government departments and agencies may
18 participate in sharing the cost of the design, construction,
19 and operation of a disaster recovery facility located in the
20 ~~STARC~~ joint forces headquarters armory at Camp Dodge. State
21 departments and agencies may use funds from any source,
22 including but not limited to user fees and appropriations
23 for operational or capital purposes, to participate in the
24 facility.

25 Sec. 36. Section 29C.14, Code 2013, is amended to read as
26 follows:

27 **29C.14 Director of the department of administrative services**
28 **to issue warrants.**

29 The director of the department of administrative services
30 shall draw warrants on the treasurer of state for the purposes
31 specified in this chapter, upon duly itemized and verified
32 vouchers that have been approved by the ~~administrator~~ director
33 of the department of homeland security and emergency management
34 ~~division~~.

35 Sec. 37. Section 29C.18, subsection 1, Code 2013, is amended

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1 to read as follows:

2 1. Every organization for homeland security and emergency
3 management established pursuant to this chapter and its
4 officers shall execute and enforce the orders or rules made by
5 the governor, or under the governor's authority and the orders
6 or rules made by subordinate organizations and not contrary or
7 inconsistent with the orders or rules of the governor.

8 Sec. 38. Section 29C.20B, Code 2013, is amended to read as
9 follows:

10 **29C.20B Disaster case management.**

11 1. The department of homeland security and emergency
12 management ~~division~~ shall work with the department of
13 human services and nonprofit, voluntary, and faith-based
14 organizations active in disaster recovery and response to
15 establish a statewide system of disaster case management
16 to be activated following the governor's proclamation of a
17 disaster emergency or the declaration of a major disaster by
18 the president of the United States for individual assistance
19 purposes. Under the system, the department of homeland
20 security and emergency management ~~division~~ shall coordinate
21 case management services locally through local committees as
22 established in each commission's emergency plan.

23 2. The department of homeland security and emergency
24 management ~~division~~, in conjunction with the department of
25 human services and an Iowa representative to the national
26 voluntary organizations active in disaster, shall adopt rules
27 pursuant to chapter 17A to create coordination mechanisms
28 and standards for the establishment and implementation of
29 a statewide system of disaster case management which shall
30 include at least all of the following:

- 31 a. Disaster case management standards.
- 32 b. Disaster case management policies.
- 33 c. Reporting requirements.
- 34 d. Eligibility criteria.
- 35 e. Coordination mechanisms necessary to carry out the

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1 services provided.

2 *f.* Development of formal working relationships with
3 agencies and creation of interagency agreements for those
4 considered to provide disaster case management services.

5 *g.* Coordination of all available services for individuals
6 from multiple agencies.

7 Sec. 39. Section 29C.22, subsection 3, paragraph c, Code
8 2013, is amended to read as follows:

9 *c.* The authorized representative of a participating
10 government may initiate a request by contacting the department
11 of homeland security and emergency management ~~division of the~~
12 ~~state department of public defense~~. When a request is received
13 by the division department, the division department shall
14 directly contact other participating governments to coordinate
15 the provision of mutual aid.

16 Sec. 40. Section 29C.22, subsection 11, paragraphs b and c,
17 Code 2013, are amended to read as follows:

18 *b.* Any participating government may withdraw from this
19 compact by adopting an ordinance or resolution repealing the
20 same, but a withdrawal shall not take effect until thirty days
21 after the governing body of the withdrawing participating
22 government has given notice in writing of the withdrawal to the
23 ~~administrator~~ director of the department of homeland security
24 and emergency management ~~division~~ who shall notify all other
25 participating governments. The action shall not relieve the
26 withdrawing political subdivision from obligations assumed
27 under this compact prior to the effective date of withdrawal.

28 *c.* Duly authenticated copies of this compact and any
29 supplementary agreements as may be entered into shall
30 be deposited, at the time of their approval, with the
31 ~~administrator~~ director of the department of homeland security
32 and emergency management ~~division~~ who shall notify all
33 participating governments and other appropriate agencies of
34 state government.

35 Sec. 41. Section 30.2, subsections 1 and 2, Code 2013, are

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1 amended to read as follows:

2 1. The Iowa emergency response commission is established.
3 The commission is responsible directly to the governor. The
4 commission is attached to the department of ~~public defense~~
5 homeland security and emergency management for routine
6 administrative and support services only.

7 2. a. The commission is composed of ~~fifteen~~ sixteen members
8 appointed by the governor. One member shall be appointed to
9 represent the department of homeland security and emergency
10 management, one to represent the department of agriculture and
11 land stewardship, one to represent the department of workforce
12 development, one to represent the department of justice, one to
13 represent the department of natural resources, one to represent
14 the department of public defense, one to represent the Iowa
15 department of public health, one to represent the department
16 of public safety, one to represent the state department of
17 transportation, one to represent the state fire service and
18 emergency response council, one to represent a local emergency
19 planning committee, one to represent the Iowa hazardous
20 materials task force, and one to represent the office of the
21 governor. Three representatives from private industry shall
22 also be appointed by the governor, subject to confirmation by
23 the senate.

24 b. The commission members representing the departments
25 of homeland security and emergency management, workforce
26 development, natural resources, public defense, public safety,
27 and transportation, a local emergency planning committee,
28 and one private industry representative designated by the
29 commission shall be voting members of the commission. The
30 remaining members of the commission shall serve as nonvoting,
31 advisory members.

32 Sec. 42. Section 30.5, subsection 2, Code 2013, is amended
33 to read as follows:

34 2. The commission may enter into agreements pursuant to
35 chapter 28E to accomplish any duty imposed upon the commission

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1 by the Emergency Planning and Community Right-to-know Act,
2 but the commission shall not compensate any governmental unit
3 for the performance of duties pursuant to such an agreement.
4 Funding for administering the duties of the commission under
5 sections 30.7, 30.8, and 30.9 shall be included in the budgets
6 of the department of natural resources and the department of
7 ~~public defense~~ homeland security and emergency management.

8 Sec. 43. Section 30.9, Code 2013, is amended to read as
9 follows:

10 **30.9 Duties to be allocated to department of ~~public defense~~**
11 **homeland security and emergency management.**

12 Agreements negotiated by the commission and the department
13 of ~~public defense~~ homeland security and emergency management
14 shall provide for the allocation of duties to the department
15 of ~~public defense~~ homeland security and emergency management
16 as follows:

17 1. Comprehensive emergency plans required to be developed
18 under section 303 of the Emergency Planning and Community
19 ~~Right-to-Know~~ Right-to-know Act, 42 U.S.C. § 11003, shall
20 be submitted to the department of ~~public defense~~ homeland
21 security and emergency management. Committee submission to
22 that department constitutes compliance with the requirement for
23 reporting to the commission. After initial submission, a plan
24 need not be resubmitted unless revisions are requested by the
25 commission. The department of ~~public defense~~ homeland security
26 and emergency management shall review the plan on behalf of the
27 commission and shall incorporate the provisions of the plan
28 into its responsibilities under chapter 29C.

29 2. The department of ~~public defense~~ homeland security and
30 emergency management shall advise the commission of the failure
31 of any committee to submit an initial comprehensive emergency
32 response and recovery plan or a revised plan requested by the
33 commission.

34 3. The department of ~~public defense~~ homeland security and
35 emergency management shall make available to the public upon

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1 request during normal working hours the information in its
2 possession pursuant to section 324 of the Emergency Planning
3 and Community ~~Right-to-Know~~ Right-to-know Act, 42 U.S.C.
4 § 11044.

5 Sec. 44. Section 34A.2, subsection 2, Code 2013, is amended
6 by striking the subsection.

7 Sec. 45. Section 34A.2, Code 2013, is amended by adding the
8 following new subsection:

9 NEW SUBSECTION. 5A. "*Director*" means the director of the
10 department of homeland security and emergency management.

11 Sec. 46. Section 34A.2A, Code 2013, is amended to read as
12 follows:

13 **34A.2A Program manager — appointment — duties.**

14 1. The ~~administrator of the homeland security and emergency~~
15 ~~management division of the department of public defense~~
16 director shall appoint an E911 program manager to administer
17 this chapter.

18 2. The E911 program manager shall act under the
19 supervisory control of the ~~administrator of the homeland~~
20 ~~security and emergency management division of the department~~
21 ~~of public defense~~ director, and in consultation with the
22 E911 communications council, and shall perform the duties
23 specifically set forth in this chapter and as assigned by the
24 ~~administrator~~ director.

25 Sec. 47. Section 34A.6, subsection 3, Code 2013, is amended
26 to read as follows:

27 3. The secretary of state, in consultation with the
28 ~~administrator~~ director, shall adopt rules for the conduct of
29 joint E911 service referendums as required by and consistent
30 with subsections 1 and 2.

31 Sec. 48. Section 34A.7A, subsection 1, paragraph a, Code
32 2013, is amended to read as follows:

33 a. Notwithstanding section 34A.6, the ~~administrator~~
34 director shall adopt by rule a monthly surcharge of up
35 to sixty-five cents to be imposed on each communications

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1 service number provided in this state. The surcharge shall
2 be imposed uniformly on a statewide basis and simultaneously
3 on all communications service numbers as provided by rule
4 of the ~~administrator~~ director. The surcharge shall not be
5 imposed on wire-line-based communications or prepaid wireless
6 telecommunications service.

7 Sec. 49. Section 34A.7A, subsection 2, paragraphs a and f,
8 Code 2013, are amended to read as follows:

9 a. An amount as appropriated by the general assembly to the
10 ~~administrator~~ director shall be allocated to the ~~administrator~~
11 director and program manager for implementation, support, and
12 maintenance of the functions of the ~~administrator~~ director and
13 program manager and to employ the auditor of state to perform
14 an annual audit of the E911 emergency communications fund.

15 f. The ~~administrator~~ director, in consultation with the
16 program manager and the E911 communications council, shall
17 adopt rules pursuant to chapter 17A governing the distribution
18 of the surcharge collected and distributed pursuant to this
19 subsection. The rules shall include provisions that all joint
20 E911 service boards and the department of public safety which
21 answer or service wireless E911 calls are eligible to receive
22 an equitable portion of the receipts.

23 Sec. 50. Section 34A.15, subsection 3, Code 2013, is amended
24 to read as follows:

25 3. The council shall advise and make recommendations to
26 the ~~administrator~~ director and program manager regarding
27 the implementation of this chapter. Such advice and
28 recommendations shall be provided on issues at the request of
29 the ~~administrator~~ director or program manager or as deemed
30 necessary by the council.

31 Sec. 51. Section 34A.20, subsection 2, Code 2013, is amended
32 to read as follows:

33 2. The authority shall cooperate with the ~~administrator~~
34 director in the creation, administration, and funding of the
35 E911 program established in subchapter I.

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1 Sec. 52. Section 35A.5, subsection 16, Code 2013, is amended
2 to read as follows:

3 16. In coordination with the ~~military division of the~~
4 department of public defense, advise service members prior to,
5 and after returning from, deployment on active duty service
6 outside the United States of issues related to the filing
7 of tax returns and the payment of taxes due and encourage a
8 service member who has not filed a return or who owes taxes to
9 contact the department of revenue prior to deployment.

10 Sec. 53. Section 68B.2, subsection 23, Code 2013, is amended
11 to read as follows:

12 23. "*Regulatory agency*" means the department of agriculture
13 and land stewardship, department of workforce development,
14 department of commerce, Iowa department of public health,
15 department of public safety, department of education, state
16 board of regents, department of human services, department of
17 revenue, department of inspections and appeals, department of
18 administrative services, public employment relations board,
19 state department of transportation, civil rights commission,
20 department of public defense, department of homeland security
21 and emergency management, Iowa ethics and campaign disclosure
22 board, and department of natural resources.

23 Sec. 54. Section 80.28, subsection 2, paragraph a,
24 subparagraph (3), Code 2013, is amended to read as follows:

25 (3) One member representing the department of homeland
26 security and emergency management ~~division~~.

27 Sec. 55. Section 80B.11C, Code 2013, is amended to read as
28 follows:

29 **80B.11C Telecommunicator training standards.**

30 The director of the academy, subject to the approval of
31 the council, in consultation with the Iowa state sheriffs'
32 and deputies' association, the Iowa police executive forum,
33 the Iowa peace officers association, the Iowa state police
34 association, the Iowa professional fire fighters, the Iowa
35 emergency medical services association, the joint council of

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1 Iowa fire service organizations, the Iowa department of public
2 safety, the Iowa chapter of the association of public-safety
3 communications officials—international, inc., the Iowa chapter
4 of the national emergency number association, the department of
5 homeland security and emergency management ~~division of the Iowa~~
6 ~~department of public defense~~, and the Iowa department of public
7 health, shall adopt rules pursuant to chapter 17A establishing
8 minimum standards for training of telecommunicators. For
9 purposes of this section, “telecommunicator” means a person who
10 receives requests for, or dispatches requests to, emergency
11 response agencies which include, but are not limited to, law
12 enforcement, fire, rescue, and emergency medical services
13 agencies.

14 Sec. 56. Section 97B.49B, subsection 1, paragraph e,
15 subparagraph (8), Code 2013, is amended to read as follows:

16 (8) An airport fire fighter employed by the ~~military~~
17 ~~division of the~~ department of public defense.

18 Sec. 57. Section 100B.22, subsection 1, paragraph a, Code
19 2013, is amended to read as follows:

20 a. Regional emergency response training centers shall be
21 established to provide training to fire fighters and other
22 emergency responders. The lead public agency for the training
23 centers shall be the following community colleges for the
24 following merged areas:

25 (1) Northeast Iowa community college for merged area I
26 in partnership with the Dubuque county firemen’s association
27 and to provide advanced training in agricultural emergency
28 response as such advanced training is funded by the department
29 of homeland security and emergency management ~~division of the~~
30 ~~department of public defense~~.

31 (2) North Iowa area community college for merged area II in
32 partnership with the Mason City fire department.

33 (3) Iowa lakes community college for merged area III and
34 northwest Iowa community college for merged area IV.

35 (4) Iowa central community college for merged area V and to

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1 provide advanced training in homeland security as such advanced
2 training is funded by the department of homeland security and
3 emergency management ~~division of the department of public~~
4 ~~defense.~~

5 (5) Hawkeye community college for merged area VII in
6 partnership with the Waterloo regional hazardous materials
7 training center and to provide advanced training in hazardous
8 materials emergency response as such advanced training is
9 funded by the department of homeland security and emergency
10 management ~~division of the department of public defense.~~

11 (6) Eastern Iowa community college for merged area IX in
12 partnership with the city of Davenport fire department.

13 (7) Kirkwood community college for merged area X in
14 partnership with the city of Coralville fire department and the
15 Iowa City fire department and to provide advanced training in
16 agricultural terrorism response and mass casualty and fatality
17 response as such advanced training is funded by the department
18 of homeland security and emergency management ~~division of the~~
19 ~~department of public defense.~~

20 (8) Des Moines area community college for merged area XI and
21 Iowa valley community college for merged area VI and to provide
22 advanced training in operations integration in compliance
23 with the national incident management system as such advanced
24 training is funded by the department of homeland security and
25 emergency management ~~division of the department of public~~
26 ~~defense.~~

27 (9) Western Iowa technical community college for merged
28 area XII in partnership with the Sioux City fire department
29 and to provide advanced training in emergency responder
30 communications as such advanced training is funded by the
31 department of homeland security and emergency management
32 ~~division of the department of public defense.~~

33 (10) Iowa western community college for merged areas XIII
34 and XIV in partnership with southwestern community college and
35 the Council Bluffs fire department.

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1 (11) Southeastern Iowa community college for merged areas
2 XV and XVI in partnership with Indian hills community college
3 and the city of Fort Madison fire department.

4 Sec. 58. Section 135.141, subsection 2, paragraphs a and j,
5 Code 2013, are amended to read as follows:

6 a. Coordinate with the department of homeland security
7 and emergency management ~~division of the department of public~~
8 ~~defense~~ the administration of emergency planning matters
9 which involve the public health, including development,
10 administration, and execution of the public health components
11 of the comprehensive emergency plan and emergency management
12 program pursuant to section 29C.8.

13 j. Adopt rules pursuant to chapter 17A for the
14 administration of this division of this chapter including rules
15 adopted in cooperation with the Iowa pharmacy association
16 and the Iowa hospital association for the development of a
17 surveillance system to monitor supplies of drugs, antidotes,
18 and vaccines to assist in detecting a potential public health
19 disaster. Prior to adoption, the rules shall be approved by
20 the state board of health and the administrator director of
21 the department of homeland security and emergency management
22 ~~division of the department of public defense~~.

23 Sec. 59. Section 135.145, subsections 1 and 2, Code 2013,
24 are amended to read as follows:

25 1. When the department of public safety or other federal,
26 state, or local law enforcement agency learns of a case of a
27 disease or health condition, unusual cluster, or a suspicious
28 event that may be the cause of a public health disaster, the
29 department or agency shall immediately notify the department,
30 the administrator director of the department of homeland
31 security and emergency management ~~division of the department~~
32 ~~of public defense~~, the department of agriculture and land
33 stewardship, and the department of natural resources as
34 appropriate.

35 2. When the department learns of a case of a disease

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1 or health condition, an unusual cluster, or a suspicious
2 event that may be the cause of a public health disaster, the
3 department shall immediately notify the department of public
4 safety, the department of homeland security and emergency
5 management ~~division of the department of public defense~~, and
6 other appropriate federal, state, and local agencies and
7 officials.

8 Sec. 60. Section 163.3A, subsection 2, Code 2013, is amended
9 to read as follows:

10 2. The services shall be performed under the direction of
11 the department and may be part of measures authorized by the
12 governor under a declaration or proclamation issued pursuant to
13 chapter 29C. In such case, the department shall cooperate with
14 the Iowa department of public health under chapter 135, and the
15 department of ~~public defense~~, homeland security and emergency
16 management ~~division~~, and local emergency management agencies as
17 provided in chapter 29C.

18 Sec. 61. Section 163.51, subsection 2, paragraph b, Code
19 2013, is amended to read as follows:

20 b. If the department confirms an outbreak of foot and
21 mouth disease in this state, the department shall cooperate
22 with the governor; federal agencies, including the United
23 States department of agriculture; and state agencies, including
24 the department of homeland security and emergency management
25 ~~division of the department of public defense~~, in order to
26 provide the public with timely and accurate information
27 regarding the outbreak. The department shall cooperate with
28 organizations representing agricultural producers in order to
29 provide all necessary information to agricultural producers
30 required to control the outbreak.

31 Sec. 62. Section 305.8, subsection 1, paragraph b, Code
32 2013, is amended to read as follows:

33 b. In consultation with the department of homeland security
34 and emergency management ~~division of the department of public~~
35 ~~defense~~, establish policies, standards, and guidelines for

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1 the identification, protection, and preservation of records
2 essential for the continuity or reestablishment of governmental
3 functions in the event of an emergency arising from a natural
4 or other disaster.

5 Sec. 63. Section 418.1, subsection 3, Code 2013, is amended
6 to read as follows:

7 3. ~~"Division"~~ "Department" means the department of homeland
8 security and emergency management ~~division of the department~~
9 ~~of public defense~~.

10 Sec. 64. Section 418.5, subsection 1, Code 2013, is amended
11 to read as follows:

12 1. The flood mitigation board is established consisting of
13 nine voting members and four ex officio, nonvoting members,
14 and is located for administrative purposes within the ~~division~~
15 department. The ~~administrator~~ director of the ~~division~~
16 department shall provide office space, staff assistance,
17 and necessary supplies and equipment for the board. The
18 ~~administrator~~ director shall budget funds to pay the necessary
19 expenses of the board. In performing its functions, the board
20 is performing a public function on behalf of the state and is a
21 public instrumentality of the state.

22 Sec. 65. Section 418.5, subsection 2, paragraph e, Code
23 2013, is amended to read as follows:

24 e. The ~~administrator~~ director of the ~~division~~ department or
25 the ~~administrator's~~ director's designee.

26 Sec. 66. Section 418.7, Code 2013, is amended to read as
27 follows:

28 **418.7 Division Department duties.**

29 The ~~division~~ department, subject to approval by the board,
30 shall adopt administrative rules pursuant to chapter 17A
31 necessary to administer the flood mitigation program. The
32 ~~division~~ department shall provide the board with assistance in
33 implementing administrative functions and providing technical
34 assistance and application assistance to applicants under the
35 program.

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1 Sec. 67. Section 418.8, subsection 1, Code 2013, is amended
2 to read as follows:

3 1. The board shall establish and the ~~division~~ department,
4 subject to direction and approval by the board, shall
5 administer a flood mitigation program to assist governmental
6 entities in undertaking projects approved under this chapter.
7 The flood mitigation program shall include projects approved
8 by the board to utilize either financial assistance from
9 the flood mitigation fund created under section 418.10 or
10 sales tax revenues remitted to the governmental entity under
11 section 418.12. A governmental entity shall not be approved
12 by the board to utilize both financial assistance from the
13 flood mitigation fund and sales tax revenues remitted to the
14 governmental entity.

15 Sec. 68. Section 418.9, subsections 4 and 7, Code 2013, are
16 amended to read as follows:

17 4. Upon review of the applications, the board, following
18 consultation with the economic development authority, shall
19 approve, defer, or deny the applications. If a project plan
20 is denied, the board shall state the reasons for the denial
21 and the governmental entity may resubmit the application so
22 long as the application is filed on or before January 1, 2016.
23 If a project plan application is approved, the board shall
24 specify whether the governmental entity is approved for the
25 use of sales tax revenues under section 418.12 or whether the
26 governmental entity is approved to receive financial assistance
27 from the flood mitigation fund under section 418.10. If
28 the board approves a project plan application that includes
29 financial assistance from the flood mitigation fund, the
30 board shall negotiate and execute on behalf of the ~~division~~
31 department all necessary agreements to provide such financial
32 assistance. If the board approves a project plan application
33 that includes the use of sales tax increment revenues, the
34 board shall establish the annual maximum amount of such
35 revenues that may be remitted to the governmental entity

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1 not to exceed the limitations in section 418.12, subsection
2 4. The board may, however, establish remittance limitations
3 for the project lower than the individual project remittance
4 limitations specified for projects under section 418.12,
5 subsection 4.

6 7. Upon approval of an application for financial assistance
7 under the program, the board shall notify the treasurer of
8 state regarding the amount of moneys needed to satisfy the
9 award of financial assistance and the terms of the award.
10 The treasurer of state shall notify the ~~division~~ department
11 any time moneys are disbursed to a recipient of financial
12 assistance under the program.

13 Sec. 69. Section 455B.266, subsection 1, paragraph d, Code
14 2013, is amended to read as follows:

15 d. Determination by the department in conjunction with
16 the department of homeland security and emergency management
17 ~~division of the department of public defense~~ of a local crisis
18 which affects availability of water.

19 Sec. 70. Section 455B.385, Code 2013, is amended to read as
20 follows:

21 **455B.385 State hazardous condition contingency plan.**

22 All public agencies, as defined in chapter 28E, shall
23 cooperate in the development and implementation of a state
24 hazardous condition contingency plan. The plan shall detail
25 the manner in which public agencies shall participate in the
26 response to a hazardous condition. The director may enter
27 into agreements, with approval of the commission, with any
28 state agency or unit of local government or with the federal
29 government, as necessary to develop and implement the plan.
30 The plan shall be coordinated with the department of homeland
31 security and emergency management ~~division of the department~~
32 ~~of public defense~~ and any joint emergency management agencies
33 established pursuant to chapter 29C.

34 Sec. 71. Section 466B.3, subsection 4, paragraph d, Code
35 2013, is amended to read as follows:

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1 ~~d. The administrator~~ director of the department of homeland
2 security and emergency management ~~division of the department of~~
3 ~~public defense~~ or the administrator's director's designee.

4 Sec. 72. REPEAL. Sections 29.2, 29.3, and 29C.7, Code 2013,
5 are repealed.

6 Sec. 73. TRANSITION PROVISIONS.

7 1. Any rule, regulation, form, order, or directive
8 promulgated by the division of homeland security and
9 emergency management of the department of public defense shall
10 continue in full force and effect until amended, repealed,
11 or supplemented by affirmative action of the department of
12 homeland security and emergency management as established in
13 this division of this Act.

14 2. All employees of the division of homeland security and
15 emergency management of the department of public defense shall
16 be considered employees of the department of homeland security
17 and emergency management upon the elimination of the former and
18 creation of the latter as provided in this division of this
19 Act.

20 DIVISION VI

21 IOWA JOBS BOARD

22 Sec. 74. Section 12.87, subsection 12, Code 2013, is amended
23 to read as follows:

24 12. Neither the treasurer of state, the Iowa ~~jobs board~~
25 finance authority, nor any person acting on behalf of the
26 treasurer of state or the Iowa ~~jobs board~~ finance authority
27 while acting within the scope of their employment or agency, is
28 subject to personal liability resulting from carrying out the
29 powers and duties conferred by this section and sections 12.88
30 through 12.90.

31 Sec. 75. Section 16.193, subsection 1, Code 2013, is amended
32 to read as follows:

33 ~~1. The Iowa finance authority, subject to approval by the~~
34 ~~Iowa jobs board,~~ shall adopt administrative rules pursuant to
35 chapter 17A necessary to administer the Iowa jobs program and

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1 Iowa jobs II program. The authority shall ~~provide the board~~
2 ~~with assistance in implementing administrative functions, be~~
3 responsible for providing technical assistance and application
4 assistance to applicants under the programs, negotiating
5 contracts, and providing project follow up. ~~The authority, in~~
6 ~~cooperation with the board, may conduct negotiations on behalf~~
7 ~~of the board with applicants regarding terms and conditions~~
8 ~~applicable to awards under the program.~~

9 Sec. 76. Section 16.194, subsection 2, Code 2013, is amended
10 to read as follows:

11 2. A city or county or a public organization in this
12 state may submit an application to the ~~Iowa jobs board~~
13 authority for financial assistance for a local infrastructure
14 competitive grant for an eligible project under the program,
15 notwithstanding any limitation on the state's percentage in
16 funding as contained in section 29C.6, subsection 17.

17 Sec. 77. Section 16.194, subsection 4, unnumbered paragraph
18 1, Code 2013, is amended to read as follows:

19 The ~~board~~ authority shall consider the following criteria in
20 evaluating eligible projects to receive financial assistance
21 under the program:

22 Sec. 78. Section 16.194, subsection 7, Code 2013, is amended
23 to read as follows:

24 7. In order for a project to be eligible to receive
25 financial assistance from the ~~board~~ authority, the project
26 must be a public construction project pursuant to subsection 1
27 with a demonstrated substantial local, regional, or statewide
28 economic impact.

29 Sec. 79. Section 16.194, subsection 8, unnumbered paragraph
30 1, Code 2013, is amended to read as follows:

31 The ~~board~~ authority shall not approve an application for
32 assistance for any of the following purposes:

33 Sec. 80. Section 16.194, subsection 9, paragraph b, Code
34 2013, is amended to read as follows:

35 b. Any portion of an amount allocated for projects

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1 that remains unexpended or unencumbered one year after the
2 allocation has been made may be reallocated to another project
3 category, at the discretion of the ~~board~~ authority. The ~~board~~
4 authority shall ensure that all bond proceeds be expended
5 within three years from when the allocation was initially made.

6 Sec. 81. Section 16.194, subsection 10, Code 2013, is
7 amended to read as follows:

8 10. The ~~board~~ authority shall ensure that funds obligated
9 under this section are coordinated with other federal program
10 funds received by the state, and that projects receiving funds
11 are located in geographically diverse areas of the state.

12 Sec. 82. Section 16.194A, subsections 2, 7, 9, and 10, Code
13 2013, are amended to read as follows:

14 2. A city or county in this state that applies the smart
15 planning principles and guidelines pursuant to sections 18B.1
16 and 18B.2 may submit an application to the ~~Iowa jobs board~~
17 authority for financial assistance for a local infrastructure
18 competitive grant for an eligible project under the program,
19 notwithstanding any limitation on the state's percentage in
20 funding as contained in section 29C.6, subsection 17.

21 7. In order for a project to be eligible to receive
22 financial assistance from the ~~board~~ authority, the project
23 must be a public construction project pursuant to subsection 1
24 with a demonstrated substantial local, regional, or statewide
25 economic impact.

26 9. Any portion of an amount allocated for projects
27 that remains unexpended or unencumbered one year after the
28 allocation has been made may be reallocated to another project
29 category, at the discretion of the ~~board~~ authority. The ~~board~~
30 authority shall ensure that all bond proceeds be expended
31 within three years from when the allocation was initially made.

32 10. The ~~board~~ authority shall ensure that funds obligated
33 under this section are coordinated with other federal program
34 funds received by the state, and that projects receiving funds
35 are located in geographically diverse areas of the state.

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1 Sec. 83. Section 16.194A, subsection 4, unnumbered
2 paragraph 1, Code 2013, is amended to read as follows:
3 The ~~board~~ authority shall consider the following criteria in
4 evaluating eligible projects to receive financial assistance
5 under the program:

6 Sec. 84. Section 16.194A, subsection 8, unnumbered
7 paragraph 1, Code 2013, is amended to read as follows:
8 The ~~board~~ authority shall not approve an application for
9 assistance for any of the following purposes:

10 Sec. 85. Section 16.195, Code 2013, is amended to read as
11 follows:

12 **16.195 Iowa jobs program application review.**

13 1. Applications for assistance under the Iowa jobs program
14 and Iowa jobs II program shall be submitted to the ~~Iowa finance~~
15 authority for review and approval. ~~The authority shall provide~~
16 ~~a staff review and evaluation of applications to the Iowa jobs~~
17 ~~program review committee referred to in subsection 2 and to the~~
18 ~~Iowa jobs board.~~

19 2. ~~A review committee composed of members of the board~~
20 ~~as determined by the board shall review Iowa jobs program~~
21 ~~applications submitted to the board and make recommendations~~
22 ~~regarding the applications to the board.~~ When reviewing the
23 applications, the ~~review committee and the~~ authority shall
24 consider the project criteria specified in sections 16.194 and
25 16.194A. The ~~board~~ authority shall develop the appropriate
26 level of transparency regarding project fund allocations.

27 3. Upon approval of an application for financial assistance
28 under the program, the ~~board~~ authority shall notify the
29 treasurer of state regarding the amount of moneys needed to
30 satisfy the award of financial assistance and the terms of the
31 award. The treasurer of state shall notify the ~~Iowa finance~~
32 authority any time moneys are disbursed to a recipient of
33 financial assistance under the program.

34 Sec. 86. Section 16.196, Code 2013, is amended to read as
35 follows:

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1 ~~16.196 Iowa jobs restricted capitals fund — fund~~
2 ~~appropriations.~~

3 ~~1. An Iowa jobs restricted capitals fund is created and~~
4 ~~established as a separate and distinct fund in the state~~
5 ~~treasury. The fund consists of moneys appropriated from~~
6 ~~the revenue bonds capitals fund created in section 12.88.~~
7 ~~The moneys in the fund are appropriated to the Iowa jobs~~
8 ~~board for purposes of the Iowa jobs program established in~~
9 ~~section 16.194. Moneys in the fund shall not be subject to~~
10 ~~appropriation for any other purpose by the general assembly,~~
11 ~~but shall be used only for the purposes of the Iowa jobs~~
12 ~~program. The treasurer of state shall act as custodian of the~~
13 ~~fund and disburse moneys contained in the fund. The fund shall~~
14 ~~be administered by the board which shall make allocations from~~
15 ~~the fund consistent with the purposes of the Iowa jobs program.~~
16 ~~2. 1. There is appropriated from the revenue bonds capitals~~
17 ~~fund created in section 12.88, to the Iowa jobs restricted~~
18 ~~capitals fund, for the fiscal year beginning July 1, 2009, and~~
19 ~~ending June 30, 2010, one hundred sixty-five million dollars to~~
20 ~~be allocated as follows:~~

21 ~~a. One hundred eighteen million five hundred thousand~~
22 ~~dollars for competitive grants for local infrastructure~~
23 ~~projects relating to disaster rebuilding, reconstruction~~
24 ~~and replacement of local buildings, flood control and flood~~
25 ~~protection, and future flood prevention public projects. An~~
26 ~~applicant for a local infrastructure grant shall not receive~~
27 ~~more than fifty million dollars in financial assistance from~~
28 ~~the fund.~~

29 ~~b. Forty-six million five hundred thousand dollars for~~
30 ~~disaster relief and mitigation and local infrastructure~~
31 ~~grants for the following renovation and construction projects,~~
32 ~~notwithstanding any limitation on the state's percentage~~
33 ~~participation in funding as contained in section 29C.6,~~
34 ~~subsection 17:~~

35 ~~(1) For grants to a county with a population between~~

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1 one hundred eighty-nine thousand and one hundred ninety-six
2 thousand in the latest preceding certified federal census, to
3 be distributed as follows:

4 (a) Ten million dollars for the construction of a new,
5 shared facility between nonprofit human service organizations
6 serving the public, especially the needs of low-income Iowans,
7 including those displaced as a result of the disaster of 2008.

8 (b) Five million dollars for the construction or renovation
9 of a facility for a county-funded workshop program serving
10 the public and particularly persons with mental illness or
11 developmental disabilities.

12 (2) For grants to a city with a population between one
13 hundred ten thousand and one hundred twenty thousand in the
14 latest preceding certified federal census, to be distributed
15 as follows:

16 (a) Five million dollars for an economic redevelopment
17 project benefiting the public by improving energy efficiency
18 and the development of alternative and renewable energy
19 technologies.

20 (b) Ten million dollars for a museum serving the public and
21 dedicated to the preservation of an eastern European cultural
22 heritage through the collection, exhibition, preservation, and
23 interpretation of historical artifacts.

24 (c) Five million dollars for a theater serving the public
25 and promoting culture, entertainment, and tourism.

26 (d) Five million dollars for a public library.

27 (e) Five million dollars for a public works building.

28 (3) One million five hundred thousand dollars, to be
29 distributed as follows:

30 (a) Five hundred thousand dollars to a city with a
31 population between six hundred and six hundred fifty in the
32 latest preceding certified federal census, for a public fire
33 station.

34 (b) Five hundred thousand dollars to a city with a
35 population between one thousand four hundred and one thousand

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1 five hundred in the latest preceding certified federal census,
2 for a public fire station.

3 (c) Five hundred thousand dollars for a city with a
4 population between seven thousand eight hundred and seven
5 thousand eight hundred fifty, for a public fire station.

6 ~~3-~~ 2. Grant awards for a project under subsection 2,
7 paragraph "b", are contingent upon submission of a plan for
8 each project by the applicable county or city governing board
9 or in the case of a project submitted pursuant to subsection
10 2, paragraph "b", subparagraph (2), subparagraph division (b),
11 by the board of directors, to the ~~Iowa jobs board~~ authority,
12 no later than September 1, 2009, detailing a description of
13 the project, the plan to rebuild, and the amount or percentage
14 of federal, state, local, or private matching moneys which
15 will be or have been provided for the project. Funds not
16 utilized in accordance with subsection 2, paragraph "b", due
17 to failure to file a plan by the September 1 deadline shall
18 revert to the ~~Iowa jobs restricted~~ revenue bonds capitals fund
19 to be available for local infrastructure competitive grants. A
20 grant recipient under subsection 2, paragraph "b", shall not be
21 precluded from applying for a local infrastructure competitive
22 grant pursuant to this section and section 16.195.

23 ~~4. Moneys in the fund are not subject to section 8.33.~~
24 ~~Notwithstanding section 12C.7, subsection 2, interest or~~
25 ~~earnings on moneys in the fund shall be credited to the fund.~~

26 ~~5-~~ 3. Annually, on or before January 15 of each year, the
27 ~~board~~ authority shall report to the legislative services agency
28 and the department of management the status of all projects
29 receiving moneys from the fund completed or in progress. The
30 report shall include a description of the project, the progress
31 of work completed, the total estimated cost of the project, a
32 list of all revenue sources being used to fund the project, the
33 amount of funds expended, the amount of funds obligated, and
34 the date the project was completed or an estimated completion
35 date of the project, where applicable.

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1 ~~6.~~ 4. Payment of moneys appropriated from the fund shall be
2 made in a manner that does not adversely affect the tax-exempt
3 status of any outstanding bonds issued by the treasurer of
4 state.

5 Sec. 87. Section 16.197, Code 2013, is amended to read as
6 follows:

7 16.197 Limitation of liability.

8 ~~A member of the Iowa jobs board, a person acting on behalf of~~
9 ~~the board while acting within the scope of their employment or~~
10 ~~agency, The authority~~ or the treasurer of state, shall not be
11 subject to personal liability resulting from carrying out the
12 powers and duties of the ~~board~~ authority or the treasurer, as
13 applicable, in sections ~~16.192~~ 16.193 through 16.196.

14 Sec. 88. IOWA JOBS BOARD — TRANSITION PROVISIONS —
15 LIMITATION OF LIABILITY.

16 1. Any contract or agreement issued or entered into by the
17 Iowa jobs board relating to the provisions of this division
18 of this Act, in effect on the effective date of this division
19 of this Act, shall continue in full force and effect and
20 any responsibility of the board relative to the contracts or
21 agreements as provided in those contracts or agreements shall
22 be transferred to the Iowa finance authority.

23 2. A member of the Iowa jobs board or a person acting on
24 behalf of the board while acting within the scope of that
25 person's employment or agency shall not be subject to personal
26 liability resulting from carrying out the powers and duties
27 of the board prior to the effective date of this division of
28 this Act, as applicable, in sections 12.87 through 12.90 and in
29 sections 16.192 through 16.196, Code 2013.

30 Sec. 89. REPEAL. Sections 16.191 and 16.192, Code 2013,
31 are repealed.

32 DIVISION VII

33 ELECTRONIC COMMUNICATIONS

34 Sec. 90. Section 22.7, Code 2013, is amended by adding the
35 following new subsection:

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1 NEW SUBSECTION. 65. Electronic mail addresses of
2 individuals collected by state departments and agencies for the
3 purpose of electronic communications.

4 Sec. 91. STATE DEPARTMENT AND AGENCY LIMITATIONS ON
5 MAIL. Notwithstanding any provision of the law to the
6 contrary, a state department or agency shall provide
7 departmental or agency notices or information through the
8 department's or agency's internet site or through electronic
9 mail to the fullest extent possible. This requirement shall
10 not apply to department and agency communications required for
11 purposes of pursuing legal action or to comply with federal
12 law. Departments and agencies shall have rulemaking authority
13 to implement this section and to collect electronic mail
14 addresses for the purpose of electronic communications.

15 DIVISION VIII

16 STATE RECORDS

17 Sec. 92. Section 96.11, subsection 11, Code 2013, is amended
18 to read as follows:

19 11. *Destruction of records.* The department may destroy
20 or dispose of such original reports or records as have been
21 properly recorded or summarized in the permanent records of
22 the department and are deemed by the director and the ~~state~~
23 ~~records-commission~~ department of cultural affairs to be no
24 longer necessary to the proper administration of this chapter.
25 Wage records of the individual worker or transcripts therefrom
26 may be destroyed or disposed of, if approved by the ~~state~~
27 ~~records-commission~~ department of cultural affairs, two years
28 after the expiration of the period covered by such wage records
29 or upon proof of the death of the worker. Such destruction
30 or disposition shall be made only by order of the director in
31 consultation with the ~~state-records-commission~~ department of
32 cultural affairs. Any moneys received from the disposition of
33 such records shall be deposited to the credit of the employment
34 security administration fund, subject to rules promulgated by
35 the department.

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1 Sec. 93. Section 305.2, subsection 2, Code 2013, is amended
2 to read as follows:

3 2. "*Archives*" means records that have been appraised by
4 the ~~state records commission~~ department as having sufficient
5 historical, research, evidential, or informational value to
6 warrant permanent preservation and that have been transferred
7 to the custody of the state archives.

8 Sec. 94. Section 305.2, subsections 3 and 5, Code 2013, are
9 amended by striking the subsections.

10 Sec. 95. Section 305.2, Code 2013, is amended by adding the
11 following new subsection:

12 NEW SUBSECTION. 4A. "*Department*" means the department of
13 cultural affairs.

14 Sec. 96. Section 305.2, subsection 12, Code 2013, is amended
15 to read as follows:

16 12. "*Records series retention and disposition schedule*"
17 means a timetable established by the ~~state records commission~~
18 department that describes the length of time a records series
19 of an agency or multiple agencies must be retained in active
20 and inactive status and provides authorization for a final
21 disposition of the records series by destruction or permanent
22 retention.

23 Sec. 97. Section 305.4, unnumbered paragraph 1, Code 2013,
24 is amended to read as follows:

25 The ~~commission~~ department shall adopt government information
26 policies, standards, and guidelines to do all of the following:

27 Sec. 98. Section 305.8, subsection 1, unnumbered paragraph
28 1, Code 2013, is amended to read as follows:

29 The ~~commission~~ department shall do all of the following:

30 Sec. 99. Section 305.8, subsection 1, Code 2013, is amended
31 by adding the following new paragraph:

32 NEW PARAGRAPH. *0e.* Provide training, advice, and counsel
33 to agencies on government information policies, standards, and
34 guidelines.

35 Sec. 100. Section 305.8, subsection 1, Code 2013, is amended

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1 by adding the following new paragraphs:

2 NEW PARAGRAPH. *0f.* Develop and distribute operating
3 procedures for agencies to use to implement the plans,
4 policies, standards, and guidelines adopted by the department.

5 NEW PARAGRAPH. *00f.* Manage any centralized records storage
6 facility established by the department for the temporary
7 storage of agency records prior to their final disposition by
8 destruction or permanent preservation in accordance with the
9 records series retention and disposition schedules.

10 NEW PARAGRAPH. *000f.* Appoint a state archivist to head the
11 state archives and records program.

12 NEW PARAGRAPH. *0000f.* Manage the state archives and develop
13 operating procedures for the transfer, accession, arrangement,
14 description, preservation, protection, and public access of
15 those records the department identifies as having permanent
16 value.

17 NEW PARAGRAPH. *00000f.* Maintain physical custody and legal
18 custody of archives that have been transferred and delivered
19 to the state archives.

20 (1) Upon receipt by the state archivist, the archives shall
21 not be removed without the state archivist's consent except in
22 response to a subpoena of a court of record or in accordance
23 with approved records series retention and disposition
24 schedules or after review and approval of the department.

25 (2) Upon request, the state archivist shall make a certified
26 copy of any record in the legal custody or in the physical
27 custody of the state archivist, or a certified transcript
28 of any record if reproduction is inappropriate because of
29 legal or physical considerations. If a copy or transcript is
30 properly authenticated, it has the same legal effect as though
31 certified by the officer from whose office it was transferred
32 or by the secretary of state. The department shall establish
33 reasonable fees for certified copies or certified transcripts
34 of records in the legal custody or physical custody of the
35 state archivist.

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1 NEW PARAGRAPH. *000000f.* Establish, maintain, and administer
2 an archive of records created and maintained in electronic
3 format in order to preserve and provide public access to state
4 government records identified as having permanent historical
5 value by the department.

6 Sec. 101. Section 305.8, subsection 1, Code 2013, is amended
7 by adding the following new paragraph:

8 NEW PARAGRAPH. *0i.* Establish rates to be charged an agency
9 by the department for storage and retention of records of
10 the agency in a records storage facility maintained by the
11 department. Rates established shall be reviewed annually by
12 the department and shall be reasonably related to the cost of
13 storing and retaining records of an agency.

14 Sec. 102. Section 305.8, subsection 2, unnumbered paragraph
15 1, Code 2013, is amended to read as follows:

16 The ~~commission~~ department may do all of the following:

17 Sec. 103. Section 305.8, subsection 2, Code 2013, is amended
18 by adding the following new paragraph:

19 NEW PARAGRAPH. *0g.* Upon written consent of the state
20 archivist, accept records of political subdivisions that are
21 voluntarily transferred to the state archives.

22 Sec. 104. Section 305.8, subsection 2, paragraph e, Code
23 2013, is amended to read as follows:

24 *e.* Make, or cause to be made, preservation duplicates of
25 records, which may include existing copies of original state
26 records. Any preservation duplicate record shall be durable,
27 accurate, complete, and clear, and shall be made by means
28 designated by the ~~commission~~ department.

29 Sec. 105. NEW SECTION. **305.8A Records retention and storage**
30 **costs — billing — internal service fund.**

31 1. The department may bill an agency for records storage
32 and retention services rendered by the department pursuant to
33 the rates established by the department for these services.
34 The department shall periodically render a billing statement
35 to an agency outlining the cost of services provided. The

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1 amount indicated on the statement shall be paid by the agency
2 and amounts received by the department shall be considered
3 repayment receipts as defined in section 8.2, and deposited
4 into the accounts of the department.

5 2. a. The department may establish and maintain an internal
6 service fund in accordance with generally accepted accounting
7 principles, as defined in section 8.57, for the records storage
8 and retention activities of the department which are primarily
9 funded from billings to agencies for services rendered by the
10 department.

11 b. The internal service fund shall be administered by
12 the department and shall consist of moneys collected by the
13 department from billings issued in accordance with this section
14 and any other moneys obtained or accepted by the department,
15 including but not limited to gifts, loans, donations, grants,
16 and contributions, which are designated to support the
17 activities of the internal service fund.

18 c. The proceeds of the internal service fund established
19 pursuant to this section shall be used by the department
20 for the operations of the department in records storage and
21 retention consistent with this chapter.

22 d. Section 8.33 does not apply to any moneys in the
23 internal service fund established pursuant to this section.
24 Notwithstanding section 12C.7, subsection 2, interest or
25 earnings on moneys deposited in the fund shall be credited to
26 the fund.

27 e. The director of the department shall annually provide
28 financial information and reports relative to the internal
29 service fund established pursuant to this section to the
30 department of management and the general assembly. The
31 information provided may include the recommendation that a
32 portion of unexpended net income be periodically returned to
33 the appropriate funding source.

34 Sec. 106. Section 305.10, subsection 1, paragraphs c, d, e,
35 f, and j, Code 2013, are amended to read as follows:

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1 *c.* Cooperate with the ~~state records commission~~ department
2 and the state archives and records program in the development
3 and implementation of government information policies,
4 standards, and guidelines, and in the development and
5 implementation of records series retention and disposition
6 schedules.

7 *d.* Comply with requests from the ~~state records commission~~
8 ~~or department~~ and the state archives and records program to
9 examine records in the possession, constructive possession, or
10 control of the agency in order to carry out the purposes of
11 this chapter.

12 *e.* Inventory agency records in accordance with ~~state~~
13 ~~records commission~~ department policies to draft records series
14 retention and disposition schedules.

15 *f.* Identify vital operating records in accordance with
16 the policies, standards, and guidelines of the ~~state records~~
17 ~~commission~~ department.

18 *j.* Provide for compliance with this chapter and the rules
19 adopted by the ~~state records commission~~ department.

20 Sec. 107. Section 305.10, subsection 2, Code 2013, is
21 amended to read as follows:

22 2. Agency heads may petition the ~~state records commission~~
23 department to create or modify government information policies,
24 standards, and guidelines, and to create or modify records
25 series retention and disposition schedules.

26 Sec. 108. Section 305.11, Code 2013, is amended to read as
27 follows:

28 **305.11 Termination of state agency — records transfer.**

29 Upon the termination of a state agency whose functions have
30 not been transferred to another agency, custody of the records
31 of the agency shall transfer to the ~~commission~~ department.

32 Sec. 109. Section 305.14, Code 2013, is amended to read as
33 follows:

34 **305.14 Liability precluded.**

35 ~~No member~~ An employee of the ~~commission~~ department or head

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1 of an agency shall not be held liable for damages or loss, or
2 civil or criminal liability, because of the destruction of
3 public records pursuant to the provisions of this chapter or
4 any other law authorizing their destruction.

5 Sec. 110. Section 305.15, Code 2013, is amended to read as
6 follows:

7 **305.15 Exemptions — duties of state department of**
8 **transportation and state board of regents.**

9 The state department of transportation and the agencies and
10 institutions under the control of the state board of regents
11 are exempt from the state records manual and the provisions of
12 this chapter. However, the state department of transportation
13 and the state board of regents shall adopt rules pursuant to
14 chapter 17A for their employees, agencies, and institutions
15 that are consistent with the objectives of this chapter.
16 The rules shall be approved by the ~~state records commission~~
17 department.

18 Sec. 111. Section 305.16, subsection 6, paragraph b,
19 subparagraph (1), Code 2013, is amended to read as follows:

20 (1) Serve in an advisory capacity to the ~~state records~~
21 ~~commission~~ department, the state archives and records program,
22 and other statewide archival or records agencies.

23 Sec. 112. Section 321.31, subsection 1, paragraph b, Code
24 2013, is amended to read as follows:

25 *b.* The department may make photostatic, microfilm, or other
26 photographic copies of certificates of title, registration
27 receipts, or other records, reports or documents which are
28 required to be retained by the department. When copies have
29 been made, the department may destroy the original records in
30 such manner as prescribed by the director. The photostatic,
31 microfilm, or other photographic copies, when no longer of use,
32 may be destroyed in the manner prescribed by the director,
33 subject to the approval of the ~~state records commission~~
34 department of cultural affairs. Photostatic, microfilm, or
35 other photographic copies of records shall be admissible in

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1 evidence when duly certified and authenticated by the officer
2 having custody and control of the copies of records. Records
3 of vehicle certificates of title may be destroyed seven years
4 after the date of issue.

5 Sec. 113. REPEAL. Sections 305.3, 305.5, 305.6, 305.7, and
6 305.9, Code 2013, are repealed.

7 Sec. 114. ADMINISTRATIVE RULES — TRANSITION PROVISIONS.

8 1. Any rule, regulation, form, order, or directive
9 promulgated by the state records commission relative to the
10 provisions of this division of this Act in existence on the
11 effective date of this division of this Act shall continue in
12 full force and effect until amended, repealed, or supplemented
13 by affirmative action of the department of cultural affairs
14 under the duties and powers established in this division of
15 this Act and under the procedure established in subsection 2.

16 2. In regard to updating references and format in the Iowa
17 administrative code in order to correspond to the transferring
18 of duties as established in this division of this Act, the
19 administrative rules coordinator and the administrative rules
20 review committee, in consultation with the administrative code
21 editor, shall jointly develop a schedule for the necessary
22 updating of the Iowa administrative code.

23 DIVISION IX

24 DEPARTMENT OF TRANSPORTATION PROVISIONS

25 Sec. 115. Section 321.196, subsection 4, Code 2013, is
26 amended to read as follows:

27 4. The department in its discretion may authorize the
28 renewal of a valid driver's license other than a commercial
29 driver's license upon application without an examination
30 provided that the applicant meets one of the following
31 conditions:

32 a. The applicant satisfactorily passes a vision test as
33 prescribed by the department ~~or~~.

34 b. The applicant files a vision report in accordance with
35 section 321.186A which shows that the applicant's visual acuity

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1 level meets or exceeds those required by the department.

2 c. The applicant is eligible for license renewal
3 electronically, pursuant to rules adopted by the department.

4 4A. An application for renewal of a driver's license shall
5 include a statement for the applicant to sign that acknowledges
6 the applicant's knowledge of the requirement to notify the
7 department of a mailing address change under section 321.182,
8 subsection 1.

9 Sec. 116. REPEAL. Section 321.116, Code 2013, is repealed.

10 Sec. 117. EMERGENCY RULES. The department of
11 transportation may adopt emergency rules under section 17A.4,
12 subsection 3, and section 17A.5, subsection 2, paragraph "b",
13 to implement section 321.196, subsection 4, paragraph "c",
14 as enacted in this division of this Act, and the rules shall
15 be effective immediately upon filing unless a later date is
16 specified in the rules. Any rules adopted in accordance with
17 this section shall also be published as a notice of intended
18 action as provided in section 17A.4.

19 Sec. 118. EFFECTIVE UPON ENACTMENT. The following
20 provisions of this division of this Act, being deemed of
21 immediate importance, take effect upon enactment:

22 1. The section of this division of this Act amending section
23 321.196, subsection 4.

24 2. The section of this division of this Act authorizing the
25 adoption of emergency rules.

26 Sec. 119. APPLICABILITY. The section of this division of
27 this Act that repeals section 321.116 applies for registration
28 years beginning on or after January 1, 2014.

29 DIVISION X

30 REPORT — STATE DEBT COORDINATOR

31 Sec. 120. DEPARTMENT OF REVENUE AND OFFICE OF THE STATE
32 DEBT COORDINATOR — REPORT. The director of revenue shall
33 develop and recommend legislative proposals deemed necessary
34 for the continued efficiency of the functions of the office of
35 the state debt coordinator established in section 421C.1, and

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1 shall prepare and file a report detailing the recommendations.
2 The report shall be filed by the director of revenue with
3 the department of management, the governor, and the general
4 assembly no later than January 13, 2014.

5 DIVISION XI

6 POLLUTION PREVENTION AND WASTE MANAGEMENT ASSISTANCE

7 Sec. 121. Section 455B.481, subsections 1 through 3, Code
8 2013, are amended to read as follows:

9 1. The purpose of this part is to promote the proper and
10 ~~safe storage, treatment, and disposal management~~ of solid,
11 hazardous, and low-level radioactive wastes in Iowa. The
12 ~~management of these wastes generated within Iowa is the~~
13 ~~responsibility of Iowans. It is the intent of the general~~
14 ~~assembly that Iowans assume this responsibility to the extent~~
15 ~~consistent with the protection of public health, safety, and~~
16 ~~the environment, and that Iowans insure that waste management~~
17 ~~practices, as alternatives to land disposal, including source~~
18 ~~reduction, recycling, compaction, incineration, and other forms~~
19 ~~of waste reduction, are employed.~~

20 2. ~~It is also the intent of the general assembly that a~~
21 ~~comprehensive waste management plan be established by the~~
22 ~~department which includes: the determination of need and~~
23 ~~adequate regulatory controls prior to the initiation of site~~
24 ~~selection; the process for selecting a superior site determined~~
25 ~~to be necessary; the establishment of a process for a site~~
26 ~~community to submit or present data, views, or arguments~~
27 ~~regarding the selection of the operator and the technology~~
28 ~~that best ensures proper facility operation; the prohibition~~
29 ~~of shallow land burial of hazardous and low-level radioactive~~
30 ~~wastes; the establishment of a regulatory framework for a~~
31 ~~facility; and the establishment of provisions for the safe~~
32 ~~and orderly development, operation, closure, postclosure, and~~
33 ~~long-term monitoring and maintenance of the facility.~~

34 3. 2. ~~In order to meet capacity assurance requirements~~
35 ~~of section 104k of the federal Superfund Amendments and~~

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1 ~~Reauthorization Act of 1986, Pub. L. No. 99-499, and further~~
2 ~~the objectives of waste minimization, the~~ The department, in
3 cooperation with the ~~small business assistance center at the~~
4 ~~university of northern Iowa~~ Iowa waste reduction center for
5 safe and economic management of solid waste and hazardous
6 substances established in section 268.4, shall work with
7 generators of hazardous wastes in the state to develop and
8 implement aggressive waste minimization programs. ~~The goal~~
9 ~~of these programs is to reduce the volume of hazardous waste~~
10 ~~generated in the state as a whole by twenty-five percent of~~
11 ~~the amount generated as of January 1, 1987, as reported in the~~
12 ~~biennial reports collected by the United States environmental~~
13 ~~protection agency. The twenty-five percent reduction goal~~
14 ~~shall be reached as expeditiously as possible and no later than~~
15 ~~July 1, 1994. In meeting the reduction goal, elements "a"~~
16 ~~through "d" of the hazardous waste management hierarchy shall~~
17 ~~be utilized. The department, in cooperation with the small~~
18 ~~business assistance center, shall reassess the twenty-five~~
19 ~~percent reduction goal in 1994. The department shall promote~~
20 ~~research and development, provide and promote educational~~
21 ~~and informational programs, promote and encourage~~ provide
22 confidential, voluntary technical assistance to hazardous waste
23 generators, promote assistance by the ~~small business assistance~~
24 Iowa waste reduction center, and promote other activities by
25 the public and private sectors that support this goal. In
26 ~~the promotion of the goal, the following hazardous waste~~
27 management pollution prevention hierarchy, in descending order
28 of preference, is established by the department:
29 a. Source reduction for waste elimination.
30 b. Reuse.
31 c. On-site recycling.
32 ~~c.~~ d. Off-site recycling.
33 ~~d.~~ e. Waste treatment.
34 ~~e.~~ f. Incineration Combustion with energy recovery.
35 ~~f.~~ g. Land disposal.

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1 Sec. 122. Section 455B.481, subsections 4 and 5, Code 2013,
2 are amended by striking the subsections.

3 Sec. 123. Section 455B.482, Code 2013, is amended by adding
4 the following new subsection:

5 NEW SUBSECTION. 7A. "*Pollution prevention*" means employment
6 of a practice that reduces the industrial use of toxic
7 substances or reduces the environmental and health hazards
8 associated with an environmental waste without diluting or
9 concentrating the waste before the release, handling, storage,
10 transport, treatment, or disposal of the waste.

11 Sec. 124. Section 455B.484, Code 2013, is amended by adding
12 the following new subsection:

13 NEW SUBSECTION. 1A. Implement the waste management policy
14 provided in section 455B.481.

15 Sec. 125. Section 455B.484, subsections 2, 3, 4, 6, 7, 9,
16 and 10, Code 2013, are amended by striking the subsections.

17 Sec. 126. Section 455B.484A, subsection 1, paragraph c,
18 Code 2013, is amended to read as follows:

19 c. "*Assistance program*" means the ~~waste reduction assistance~~
20 pollution prevention program of the department or of the Iowa
21 waste reduction center for safe and economic management of
22 solid waste and hazardous substances conducted pursuant to
23 section 268.4.

24 Sec. 127. Section 455B.485, subsections 3 and 5, Code 2013,
25 are amended by striking the subsections.

26 Sec. 128. Section 455B.486, subsection 1, Code 2013, is
27 amended by striking the subsection.

28 Sec. 129. Section 455B.487, subsection 1, Code 2013, is
29 amended to read as follows:

30 1. The commission shall adopt rules establishing criteria
31 for the identification of land areas or sites which are
32 suitable for the operation of facilities for the management
33 of ~~hazardous and~~ low-level radioactive wastes. Upon request,
34 the department shall assist in locating suitable sites for the
35 location of a facility. The commission may purchase or condemn

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1 land to be leased or used for the operation of a facility
2 subject to chapter 6A. Consideration for a contract for
3 purchase of land shall not be in excess of funds appropriated
4 by the general assembly for that purpose. The commission may
5 lease land purchased under this section to any person including
6 the state or a state agency. This section authorizes the state
7 to own or operate ~~hazardous waste facilities and~~ low-level
8 radioactive waste facilities, subject to the approval of the
9 general assembly.

10 Sec. 130. Section 455B.487, subsection 8, Code 2013, is
11 amended by striking the subsection.

12 Sec. 131. Section 455C.12, subsection 1, Code 2013, is
13 amended to read as follows:

14 1. Any person violating the provisions of section 455C.2,
15 455C.3, or 455C.5, ~~and 455C.8,~~ or a rule adopted under this
16 chapter, shall be guilty of a simple misdemeanor.

17 Sec. 132. Section 455D.1, subsections 3, 5, and 7, Code
18 2013, are amended by striking the subsections.

19 Sec. 133. Section 455D.1, Code 2013, is amended by adding
20 the following new subsection:

21 NEW SUBSECTION. 4A. "*Pollution prevention techniques*" means
22 any of the following practices employed by the user of a toxic
23 substance:

24 *a.* Input substitution, which is the replacement of a toxic
25 substance or raw material used in a production process with a
26 nontoxic or less toxic substance.

27 *b.* Product reformulation, which is the substitution of an
28 end product which is nontoxic or less toxic upon use or release
29 for an existing end product.

30 *c.* Production process redesign or modification, which is
31 the development and use of production processes of a different
32 design other than those currently in use.

33 *d.* Production process modernization, which is the upgrading
34 or replacing of existing production process equipment or
35 methods with other equipment or methods based on the same

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1 production process.

2 e. Improved operation and maintenance of existing production
3 process equipment and methods, which is the modification or
4 addition to existing equipment or methods, including but not
5 limited to such techniques as improved housekeeping practices,
6 system adjustments, product and process inspections, and
7 production process control equipment or methods.

8 f. Recycling, reuse, or extended use of toxic substances by
9 using equipment or methods that become an integral part of the
10 production process.

11 Sec. 134. Section 455D.3, subsections 1 and 3, Code 2013,
12 are amended to read as follows:

13 1. ~~Year 1994 and 2000 goals~~ Waste reduction goals.

14 a. The goal of the state is to reduce the amount of
15 materials in the waste stream, existing as of July 1, 1988, by
16 an intermediate goal of twenty-five percent by July 1, 1994,
17 and by a final goal of at least fifty percent by July 1, 2000,
18 through the practice of waste volume reduction at the source
19 and through recycling. For the purposes of this section, "waste
20 stream" means the disposal of solid waste as "solid waste" is
21 defined in section 455B.301.

22 b. Notwithstanding section 455D.1, subsection 6, facilities
23 which employ combustion of solid waste with energy recovery
24 and refuse-derived fuel, which are included in an approved
25 comprehensive plan, may include these processes in the
26 definition of recycling for the purpose of meeting the state
27 goal if at least thirty-five percent of the fifty percent waste
28 reduction goal, ~~required to be met by July 1, 2000, pursuant~~
29 ~~to this section,~~ is met through volume reduction at the source
30 and recycling and reuse, as established pursuant to section
31 455B.301A, subsection 1, paragraphs "a" and "b".

32 3. Departmental monitoring.

33 a. ~~By October 31, 1994, a planning area shall submit to~~
34 ~~the department a solid waste abatement table which is updated~~
35 ~~through June 30, 1994. By April 1, 1995, the department shall~~

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1 ~~report to the general assembly on the progress that has been~~
2 ~~made by each planning area on attainment of the July 1, 1994,~~
3 ~~twenty-five percent goal.~~
4 ~~(1)~~ If at any time the department determines that a planning
5 area has met or exceeded the twenty-five percent goal, but has
6 not met or exceeded the fifty percent goal, a planning area
7 shall subtract sixty cents from the total amount of the tonnage
8 fee imposed pursuant to section 455B.310. If at any time the
9 department determines that a planning area has met or exceeded
10 the fifty percent goal, a planning area shall subtract fifty
11 cents from the total amount of the tonnage fee imposed pursuant
12 to section 455B.310. The reduction in tonnage fees pursuant
13 to this ~~subparagraph~~ paragraph shall be taken from that
14 portion of the tonnage fees which would have been allocated for
15 funding alternatives to landfills pursuant to section 455E.11,
16 subsection 2, paragraph "a", subparagraph (1).
17 ~~(2)~~ b. If the department determines that a planning area
18 has failed to meet the ~~July 1, 1994,~~ twenty-five percent
19 goal, the planning area shall, ~~at a minimum, implement the~~
20 ~~solid waste management techniques as listed in subsection~~
21 ~~4. Evidence of implementation of the solid waste management~~
22 ~~techniques shall be documented in subsequent comprehensive~~
23 ~~plans submitted to the department~~ remit fifty cents per
24 ton to the department. The moneys shall be deposited in
25 the groundwater protection fund created in section 455E.11,
26 subsection 2, paragraph "a", and credited to the solid waste
27 account of the fund to be used for funding alternatives to
28 landfills pursuant to section 455E.11, subsection 2, paragraph
29 "a", subparagraph (1). Moneys shall continue to be remitted
30 pursuant to this paragraph until such time as evidence of
31 attainment of the twenty-five percent goal is documented in
32 subsequent plans submitted to the department.
33 ~~b. (1) By October 31, 2000, a planning area shall submit to~~
34 ~~the department, a solid waste abatement table which is updated~~
35 ~~through June 30, 2000. By April 1, 2001, the department shall~~

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1 ~~report to the general assembly on the progress that has been~~
2 ~~made by each planning area on attainment of the July 1, 2000,~~
3 ~~fifty percent goal.~~
4 (2) c. If at any time the department determines that a
5 planning area has met or exceeded the fifty percent goal, the
6 planning area shall subtract fifty cents from the total amount
7 of the tonnage fee imposed pursuant to section 455B.310. This
8 amount shall be in addition to any amount subtracted pursuant
9 to paragraph "a". The reduction in tonnage fees pursuant
10 to this ~~subparagraph~~ paragraph shall be taken from that
11 portion of the tonnage fees which would have been allocated to
12 funding alternatives to landfills pursuant to section 455E.11,
13 subsection 2, paragraph "a", subparagraph (1). ~~Except for fees~~
14 ~~required under subsection 4, paragraph "a", a~~ A planning area
15 failing to meet the fifty percent goal is not required to remit
16 any additional tonnage fees to the department.
17 Sec. 135. Section 455D.3, subsections 2 and 4, Code 2013,
18 are amended by striking the subsections.
19 Sec. 136. Section 455D.6, subsections 1, 6, and 7, Code
20 2013, are amended to read as follows:
21 1. Unless otherwise specified in this chapter, recommend
22 rules to the commission which are necessary to implement
23 this chapter. ~~Initial recommendations shall be made to the~~
24 ~~commission no later than July 1, 1991.~~
25 6. Develop a strategy and recommend to the commission the
26 adoption of rules necessary to implement a strategy for white
27 goods and waste oil ~~by January 1, 1990.~~
28 7. Develop a strategy and recommend to the commission
29 the adoption of rules necessary to implement ~~by January 1,~~
30 ~~2004,~~ a strategy for the recycling of electronic goods and
31 the disassembling and removing of toxic parts from electronic
32 goods.
33 Sec. 137. Section 455D.6, subsections 2, 5, 8, 9, and 10,
34 Code 2013, are amended by striking the subsections.
35 Sec. 138. Section 455D.7, subsection 1, Code 2013, is

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1 amended to read as follows:

2 1. Unless otherwise specified in this chapter, adopt rules
3 necessary to implement this chapter pursuant to chapter 17A.
4 ~~Initial rules shall be adopted no later than April 1, 1992.~~

5 Sec. 139. Section 455D.7, subsection 4, Code 2013, is
6 amended by striking the subsection.

7 Sec. 140. Section 455D.9, subsections 1, 2, 3, and 6, Code
8 2013, are amended to read as follows:

9 1. ~~Beginning January 1, 1991, land~~ Land disposal of yard
10 waste as defined by the department is prohibited. However,
11 yard waste which has been separated at its source from other
12 solid waste may be accepted by a sanitary landfill for the
13 purposes of soil conditioning or composting.

14 2. The department shall assist local communities in the
15 development of collection systems for yard waste generated
16 from residences and shall assist in the establishment of
17 local composting facilities. ~~Within one hundred twenty days~~
18 ~~of the adoption of rules by the department regarding yard~~
19 ~~waste, each~~ Each city and county shall, by ordinance, require
20 persons within the city or county to separate yard waste from
21 other solid waste generated. ~~Municipalities which provide~~
22 ~~a collection system for solid waste shall provide for a~~
23 ~~collection system for yard waste which is not composted.~~

24 3. The department shall ~~develop~~ adopt rules which define
25 yard waste and provide for the safe and proper method of
26 composting. ~~The rules adopted for a composting facility to be~~
27 ~~located on property owned by an applicant for a permit prior~~
28 ~~to July 1, 1992, when the property is located within twenty~~
29 ~~miles of a metropolitan area of two hundred fifty thousand or~~
30 ~~more, shall require that prior to the issuance of a permit for~~
31 ~~a composting facility, the applicant shall submit an economic~~
32 ~~impact statement to the department. For the purpose of this~~
33 ~~subsection, "economic impact statement" means an estimate of~~
34 ~~the economic impact of the siting of a composting facility at a~~
35 ~~specific location on affected property owners~~ yard waste and

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1 other organic materials.

2 6. This section prohibits the ~~incineration~~ open burning of
3 yard waste within the permitted boundary at a sanitary disposal
4 project.

5 Sec. 141. Section 455D.12, subsection 2, unnumbered
6 paragraph 1, Code 2013, is amended to read as follows:

7 ~~Beginning July 1, 1992,~~ a A person shall not distribute,
8 sell, or offer for sale in this state a plastic bottle or rigid
9 plastic container unless the product is labeled with a code
10 indicating the plastic resin used to produce the bottle or
11 container. Rigid plastic bottles or rigid plastic containers
12 with labels and basecups of a different material shall be coded
13 by their basic material. The code shall consist of a number
14 placed within a triangle of arrows and letters placed below the
15 triangle of arrows. The triangle shall be equilateral, formed
16 by three arrows with the apex of each point of the triangle
17 at the midpoint of each arrow, rounded with a short radius.
18 The arrowhead of each arrow shall be at the midpoint of each
19 side of the triangle with a short gap separating the pointer
20 from the base of the adjacent arrow. The triangle, formed by
21 the three arrows curved at their midpoints, shall depict a
22 clockwise path around the code number. The numbers and letters
23 used shall be as follows:

24 Sec. 142. Section 455D.12, subsection 3, Code 2013, is
25 amended by striking the subsection.

26 Sec. 143. Section 455D.15, subsection 2, Code 2013, is
27 amended by striking the subsection and inserting in lieu
28 thereof the following:

29 2. The fund shall be utilized by the department for
30 providing technical assistance to Iowa businesses in developing
31 and implementing pollution prevention techniques.

32 Sec. 144. Section 455D.15, subsection 3, Code 2013, is
33 amended by striking the subsection.

34 Sec. 145. Section 455E.8, subsections 2 and 3, Code 2013,
35 are amended by striking the subsections.

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1 Sec. 146. REPEAL. Sections 455B.516, 455B.517, 455B.518,
2 455C.8, and 455C.15, Code 2013, are repealed.

3 DIVISION XII

4 ONGOING PROGRAM REVIEW

5 Sec. 147. Section 2.69, subsection 4, Code 2013, is amended
6 by adding the following new paragraph:

7 NEW PARAGRAPH. *0c.* Comprehensively review on a regular
8 basis the programs and projects administered by state
9 government to determine whether each program and project
10 reviewed is effectively and efficiently meeting the needs for
11 which created, and whether the needs remain applicable. The
12 review shall consider whether modifications to the program or
13 project reviewed could better meet the needs identified in a
14 more effective manner.

15 DIVISION XIII

16 BOARDS AND COMMISSIONS

17 Sec. 148. Section 34A.2A, subsection 2, Code 2013, is
18 amended to read as follows:

19 2. The E911 program manager shall act under the supervisory
20 control of the administrator of the homeland security and
21 emergency management division of the department of public
22 defense, and in consultation with the ~~E911 communications~~
23 council state interoperable communications system board
24 established in section 80.28, and perform the duties
25 specifically set forth in this chapter and as assigned by the
26 administrator.

27 Sec. 149. Section 34A.7A, subsection 2, paragraph f, Code
28 2013, is amended to read as follows:

29 *f.* The administrator, in consultation with the program
30 manager and the ~~E911 communications council~~ state interoperable
31 communications system board established in section 80.28, shall
32 adopt rules pursuant to chapter 17A governing the distribution
33 of the surcharge collected and distributed pursuant to this
34 subsection. The rules shall include provisions that all joint
35 E911 service boards and the department of public safety which

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1 answer or service wireless E911 calls are eligible to receive
2 an equitable portion of the receipts.

3 Sec. 150. Section 34A.15, subsection 3, Code 2013, is
4 amended to read as follows:

5 3. The council shall advise and make recommendations to
6 the ~~administrator and program manager~~ state interoperable
7 communications system board established in section 80.28
8 regarding the implementation of this chapter. Such advice and
9 recommendations shall be provided on issues at the request
10 of the ~~administrator or program manager~~ state interoperable
11 communications system board established in section 80.28 or as
12 deemed necessary by the council.

13 Sec. 151. Section 80.29, Code 2013, is amended by adding the
14 following new subsection:

15 NEW SUBSECTION. 12A. Advise and make recommendations, in
16 consultation with the E911 communications council established
17 in section 34A.15, to the director of the department of
18 homeland security and emergency management and the E911 program
19 manager appointed pursuant to section 34A.2A regarding the
20 implementation of chapter 34A. Such advice and recommendations
21 shall be provided on issues at the request of the director or
22 program manager or as deemed necessary by the board. However,
23 the authority of the board as to this duty is limited to the
24 issues specifically identified in this subsection and does
25 not preempt the authority of the utilities board, created in
26 section 474.1, to act on issues within the jurisdiction of the
27 utilities board.

28 Sec. 152. Section 190A.3, subsection 3, Code 2013, is
29 amended to read as follows:

30 3. The ~~farm-to-school council~~ department of agriculture
31 and land stewardship and the department of education shall
32 seek to establish partnerships with public agencies and
33 nonprofit organizations to implement a structure to facilitate
34 communication between farmers and schools.

35 Sec. 153. Section 190A.3, subsection 4, Code 2013, is

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1 amended to read as follows:

2 4. The ~~farm-to-school-council~~ department of agriculture and
3 land stewardship and the department of education shall actively
4 seek financial or in-kind contributions from organizations or
5 persons to support the program.

6 Sec. 154. Section 256.9, subsection 55, paragraph j, Code
7 2013, is amended by striking the paragraph.

8 Sec. 155. REPEAL. Section 190A.2, Code 2013, is repealed.

9 Sec. 156. MULTIPLE AMENDMENTS — HARMONIZATION AND
10 PREVALENCE.

11 1. The amendments in this division of this Act and in
12 the division of this Act creating a department of homeland
13 security and emergency management to section 34A.2A, subsection
14 2, and section 34A.7A, subsection 2, paragraph "f", shall be
15 harmonized by the Code editor in accordance with section 2B.13.

16 2. If section 34A.15, subsection 3, is amended in this
17 division of this Act and in the division of this Act creating a
18 department of homeland security and emergency management, the
19 amendments are deemed irreconcilable and the amendment in this
20 division of this Act shall prevail.

21 DIVISION XIV

22 OBSOLETE PROVISIONS

23 Sec. 157. REPEAL. Section 15.112, Code 2013, is repealed.

24 Sec. 158. REPEAL. Chapters 15C and 15D, Code 2013, are
25 repealed.

26 EXPLANATION

27 This bill relates to government efficiency, including other
28 matters related to the operation of state and local government.

29 DIVISION I — GOVERNMENT INFORMATION TECHNOLOGY SERVICES.

30 This division amends Code section 8A.205, concerning digital
31 government, to encourage state agencies to utilize duplex
32 printing.

33 The division directs the department of administrative
34 services (DAS) to conduct an inventory of information
35 technology devices utilized by state agencies with the goal of

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1 identifying possibilities to reduce costs. DAS is required to
2 submit a report to the general assembly by January 1, 2014,
3 concerning the results of the inventory.

4 The division also directs the department of administrative
5 services (DAS) to establish a schedule for departments to
6 comply with information technology coordination and management
7 requirements of Code chapter 8A. In addition, DAS is
8 encouraged to procure information technology for participating
9 agencies through leasing.

10 DIVISION II — MEDICATION THERAPY MANAGEMENT. This division
11 relates to medication therapy management. The division
12 codifies the pilot program for medication therapy management
13 implemented on July 1, 2010, for eligible state employees,
14 making the program an ongoing program and directing DAS to
15 utilize a request for proposals process and to enter into a
16 contract to continue the program. The division takes effect
17 upon enactment.

18 DIVISION III — STATE PHYSICAL RESOURCES. This division
19 of the bill requires that DAS conduct an analysis of state
20 employee workstations and office standards by September 30,
21 2013. The division further requires the department to submit
22 findings and recommendations to the capitol planning commission
23 and the legislative fiscal committee by October 30, 2013.

24 DIVISION IV — AUDITS. This division concerns audit
25 costs and filing fees for the filing of certain audits or
26 examinations conducted by the auditor of state.

27 Code section 11.6(10) is amended to eliminate the authority
28 of the auditor to establish and collect a filing fee relative
29 to certain audits conducted on certain mental health centers,
30 substance abuse programs, and community action agencies.

31 The division also relates to four commodity organizations
32 representing producers of sheep (and wool), eggs, turkeys,
33 and corn. The marketing, research, and promotional purposes
34 of these organizations are financed by an excise tax or state
35 assessment (commonly referred to as a checkoff) imposed upon

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1 the first purchasers of the commodities. Moneys derived from
2 each checkoff are controlled by the governing body of each
3 organization, including the Iowa sheep and wool promotion
4 board, the Iowa egg council, the Iowa turkey marketing council,
5 and the Iowa corn promotion board. In each case, the collected
6 moneys are subject to audit by the auditor of state. In 2010,
7 the general assembly enacted S.F. 2367 (2010 Iowa Acts, ch.
8 1189) which amended a number of sections referring to those
9 audits, by authorizing the auditor of state to be reimbursed
10 from the organizations for the cost of the audits. The
11 division eliminates the changes made in S.F. 2367 and restores
12 the sections to the language as it existed prior to that
13 legislation.

14 The division takes effect upon enactment.

15 DIVISION V — HOMELAND SECURITY AND EMERGENCY MANAGEMENT
16 ORGANIZATION. Currently, the department of public defense is
17 composed of the military division and the homeland security
18 and emergency management division. This division transfers
19 the homeland security and emergency management division of the
20 department of public defense into a new department of homeland
21 security and emergency management. The division retains
22 within the department of public defense responsibility over
23 the office of the adjutant general and the military forces of
24 the state of Iowa. The division provides that the governor
25 appoint the director of the new department. Current duties
26 and responsibilities of the homeland security and emergency
27 management division are transferred to the new department of
28 homeland security and emergency management. In addition,
29 the division transfers the attachment of the Iowa emergency
30 response commission for routine administrative support from the
31 department of public defense to the new department of homeland
32 security and emergency management.

33 The division also includes transition provisions relative
34 to the establishment of the department of homeland security
35 and emergency management. The division provides that any

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1 rule, regulation, form, order, or directive promulgated by the
2 division of homeland security and emergency management of the
3 department of public defense shall continue unless modified
4 or otherwise changed by the new department. The division
5 provides that employees of the division of homeland security
6 and emergency management of the department shall be considered
7 employees of the department of homeland security and emergency
8 management.

9 DIVISION VI — IOWA JOBS BOARD. This division eliminates
10 the Iowa jobs board and provides that any duties or
11 responsibilities of the Iowa jobs board shall become the
12 responsibility of the Iowa finance authority. The division
13 also provides transition provisions relative to any contracts
14 or agreements entered into by the Iowa jobs board and provides
15 for a limitation of personal liability for actions by a member
16 or agent of the board taken prior to the effective date of the
17 division relative to the duties of the board.

18 DIVISION VII — ELECTRONIC COMMUNICATIONS. This division
19 provides that each state department and agency shall provide
20 departmental or agency notices or information through the
21 department's or agency's internet site or through electronic
22 mail to the fullest extent possible. Code section 22.7,
23 concerning confidential public records, is amended to provide
24 that electronic mail addresses of individuals collected by
25 state departments and agencies for the purpose of electronic
26 communications shall be considered confidential.

27 DIVISION VIII — STATE RECORDS. This division eliminates
28 the state records commission and transfers the duties and
29 responsibilities of the state records commission to the
30 department of cultural affairs. The division includes a
31 transition provision that any rule promulgated by the state
32 records commission shall continue until changed by the
33 department of cultural affairs.

34 The division also authorizes the department of cultural
35 affairs to bill agencies for records storage and retention.

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1 Code section 305.8 is amended to provide that the department
2 of cultural affairs establish rates to charge agencies for
3 providing records storage and retention services. New Code
4 section 305.8A authorizes the department of cultural affairs
5 to bill agencies for records storage and retention services,
6 establish an internal service fund for receipt of moneys from
7 agencies billed for this purpose, and authorizes the department
8 to utilize moneys received and deposited in the fund for the
9 operations of the department in records storage and retention.

10 DIVISION IX — DEPARTMENT OF TRANSPORTATION PROVISIONS.

11 This division contains provisions relating to a variety of
12 matters regulated by the department of transportation.

13 Code section 321.196 is amended to provide that when the
14 department renews a driver's license electronically, it may
15 do so without requiring the licensee to pass a vision test or
16 file a vision report, pursuant to rules of the department.
17 The division authorizes the adoption of emergency rules to
18 implement this provision. The amendment to Code section
19 321.196 and the authorization to adopt emergency rules are
20 effective upon enactment.

21 Code section 321.116, which establishes an annual
22 registration fee of \$25 for electric motor vehicles, is
23 repealed. As a result, electric motor vehicles will be subject
24 to registration fees based on the weight and value of the
25 vehicle. The change applies for registration years beginning
26 on or after January 1, 2014.

27 DIVISION X — REPORT — STATE DEBT COORDINATOR. This
28 division establishes a report to be prepared and filed by the
29 director of the department of revenue. The director will
30 develop and recommend legislative proposals deemed necessary
31 for the office of the state debt coordinator, which shall
32 be compiled in a report and filed with the department of
33 management, the governor, and the general assembly no later
34 than January 13, 2014.

35 DIVISION XI — POLLUTION PREVENTION AND WASTE MANAGEMENT

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1 ASSISTANCE. This division relates to pollution prevention and
2 waste management assistance.

3 The division relates to pollution prevention and waste
4 management assistance.

5 The division amends the waste management assistance
6 provisions of Code chapter 455B by updating the waste
7 management policy. The division includes reuse and combustion
8 with energy recovery in the pollution prevention hierarchy and
9 removes incineration from the hierarchy.

10 The division includes a new definition for "pollution
11 prevention" and uses the term to replace "hazardous waste
12 management" and "waste reduction assistance". The division
13 eliminates references to hazardous waste throughout Code
14 chapter 455B, division IV, part 9, including duties of the
15 department and the environmental protection commission relating
16 to hazardous waste and the location, acquisition, and operation
17 of hazardous waste management facilities.

18 The division eliminates certain definitions from Code
19 chapter 455D for terms no longer used in the Code chapter.

20 Currently, the waste stream reduction goals include a 25
21 percent reduction by July 1, 1994, and 50 percent reduction by
22 July 1, 2000. The goals are based on the waste stream existing
23 as of July 1, 1988. The division eliminates the references
24 to July 1, 1994, and July 1, 2000, but retains the 25 and 50
25 percent goals as intermediate and final goals. The division
26 eliminates provisions related to the date-specific goals. The
27 division eliminates mandatory solid waste management techniques
28 for planning areas that fail to meet the 25 percent reduction
29 goal.

30 The division eliminates many of the duties of the department
31 in relation to waste management and includes a new general duty
32 to implement the waste management policy.

33 The division eliminates certain duties of the director of
34 the department of natural resources. The division eliminates
35 redundant language relating to the duty of the director to

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1 receive moneys for deposit in the waste reduction and recycling
2 trust fund. The division eliminates duties including the
3 providing of financial assistance for certain waste reduction
4 and recycling markets and industries; the study of technology
5 for the reclamation and recycling of refrigerant; and the
6 identification of products made from recycled or recovered
7 materials. The division also eliminates certain expired
8 deadlines and other outdated requirements.

9 The division eliminates two duties of the environmental
10 protection commission in relation to waste management policy.
11 The duties relate to budget requests and approval of certain
12 contracts and agreements.

13 The division eliminates a duty of the commission to
14 recommend to the general assembly, annually, the imposition of
15 waste abatement fees, rebates, and deposits.

16 The division eliminates certain municipal requirements
17 related to yard waste. The division eliminates certain
18 rules requirements for composting related to economic impact
19 statements. The division expands the definition of composting
20 to include yard waste and other organic materials.

21 The division eliminates a requirement that the department
22 maintain a list of label codes for plastic containers.

23 The division amends provisions related to the waste volume
24 reduction and recycling fund. The division eliminates a
25 requirement that grants from the fund be awarded based on the
26 solid waste management hierarchy. The division provides that
27 the fund shall be utilized for purposes of providing technical
28 assistance to Iowa businesses in developing and implementing
29 pollution prevention techniques.

30 The division eliminates two duties of the director of the
31 department relating to groundwater reporting requirements.

32 The division repeals Code sections 455B.516, 455B.517, and
33 455B.518, which relate to the toxics pollution prevention
34 program. The division repeals Code section 455C.8, relating
35 to the prohibition against snap-top cans, and Code section

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1 455C.15, relating to the prohibition against plastic cans.

2 DIVISION XII — ONGOING PROGRAM REVIEW. This division
3 amends Code section 2.69, establishing the legislative
4 state government efficiency review committee, to provide
5 that the committee also conduct a comprehensive review on a
6 regular basis of programs and projects administered by state
7 government.

8 DIVISION XIII — BOARDS AND COMMISSIONS. This division
9 provides that the duties of the E911 communications council
10 relative to advising homeland security and emergency management
11 on enhanced 911 emergency telephone systems are transferred
12 to the state interoperable communications system board.
13 The division retains the E911 communications council and
14 provides that the council shall advise the state interoperable
15 communications system board relative to enhanced 911 emergency
16 telephone systems.

17 The division repeals the farm-to-school council.

18 DIVISION XIV — OBSOLETE PROVISIONS. This division repeals
19 Code section 15.112, relating to matching funds for a farmworks
20 national demonstration project; Code chapter 15C, relating to
21 a world trade center; and Code chapter 15D, relating to the
22 midwest nuclear compact, which contains provisions relating to
23 repeal and withdrawal from the compact.



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Senate Study Bill 1107 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON DANIELSON)

A BILL FOR

1 An Act relating to the exemption of gaming floors from the
2 prohibitions of the smokefree air Act and including
3 effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 142D.4, subsection 10, Code 2013, is
2 amended by striking the subsection.

3 Sec. 2. EFFECTIVE DATE. This Act takes effect July 1, 2015.

4 EXPLANATION

5 This bill eliminates the exception under the smokefree air
6 Act (Code chapter 142D), allowing smoking on the gaming floors
7 of the premises licensed pursuant to Code chapter 99F (gambling
8 structures, excursion gambling boats, and racetracks). The
9 bill thereby subjects the entirety of these premises to the
10 smoking prohibitions of the Act.

11 The bill takes effect July 1, 2015.